SENATE DOCKET, NO. 622 FILED ON: 1/19/2011

SENATE . . . . . No. 871

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to abuse prevention..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	☐ *[District]* ☐
Robert L. Hedlund	☐ *[District]* ☐
Richard J. Ross	*Norfolk, Bristol, and Middlesex*

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SENATE . . . . . No. 871

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 871) of Bruce E. Tarr, Robert L. Hedlund and Richard J. Ross for legislation to prevent abuse. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1831* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to abuse prevention..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6 of Chapter 209A of the Massachusetts General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking clause (7) in its entirety and inserting in place thereof the following:-

(7) arrest any person a law officer witnesses or has probable cause to believe has violated a temporary or permanent vacate, restraining, or no-contact order of judgment issued pursuant to section eighteen, thirty-four B or thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, section three, three B, three C, four or five of this chapter, or sections fifteen or twenty of chapter two hundred and nine C or similar protection order issued by another jurisdiction. When there are no vacate, restraining, or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that:

(a) a person has committed a felony;

(b) a person has committed a misdemeanor involving abuse as defined in section one of this chapter;

(c) a person has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five;

17 (d) 2 or more persons have committed an offense listed in clauses (a) to (c), inclusive, or
18 if 2 or more persons make complaints to the officer, the officer shall attempt to determine who
19 was the primary aggressor and the preferred response shall be arrest of the primary aggressor and
20 not the arrest of the person who acted in a reasonable manner to protect or defend himself or
21 another family or household member from abuse.