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of the Senate

Robert A. DeLeo

Speaker of the

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**Legislature Sends Domestic Violence Bill to Governor**

*Will close loopholes in current law and create innovative approaches to end the cycle of domestic violence*

BOSTON – The Senate and House on Wednesday passed final domestic violence legislation which creates new criminal offenses and elevated penalties, boosts prevention efforts, seeks to empower victims and establishes new employment rights.

This legislation establishes a first offense domestic assault and battery charge. Current law includes penalties for subsequent offenses but fails to include a first offense, making the statute unenforceable.

“We, as public officials and as a society, must do everything in our power to stem the tragic tide of violence against women,” **House** **Speaker Robert A. DeLeo** **(D-Winthrop)** said. “This legislation represents some of the strongest, most comprehensive domestic violence legislation in at least a generation. I thank all who collaborated on this bill and offer my sincere gratitude to the advocates and individuals who so courageously shared their experiences.”

“Victims of domestic violence continue to face barriers in their recovery and their ability to protect themselves from future attacks, and we have an obligation to change that,” **Senate President Therese Murray (D-Plymouth)**. “Domestic violence is an issue that affects every single community, and this bill will go a long way in increasing the rights and protections of victims. I commend all the members for taking a stand to make the Commonwealth a safer place for all.”

“Too many people in our communities are victims of terrible acts of domestic violence. This bill takes very important steps to improve protections for these victims and increase penalties for perpetrators,” **Senator Karen Spilka (D-Ashland)** said. “With these reforms, we are ensuring that victims receive the services, support and compassion they deserve, and we are helping to prevent future cases of violence and abuse.”

“A multi-pronged approach, with an emphasis on protection services, closing loopholes in current laws and education, including initiatives in our schools, is crucial as part of the struggle against violence in the home”, said **Representative Garrett J. Bradley** **(D-Hingham),** **First Division Chair**. “Provisions like the six hour delay in bail so that victims can access alternative housing and other services will give prosecutors more tools, empower victims and plug in gaps that were in the system up until today.”

“Countless victims will benefit from this bill’s employment-leave provisions, which I have spent years fighting for,” said **Senator Cynthia Stone Creem (D-Milton)**. “No victim should have to choose between keeping a job and taking the necessary time to meet with police, prosecutors, medical professionals, or advocates.  Other provisions of the bill will offer further protections against domestic violence, including my language to prevent victims of domestic violence from being pressured into agreeing to drop charges through the ‘accord and satisfaction’ law.”

“This bill empowers victims,” said **Representative Christopher Markey (D-Dartmouth), Vice-Chair of the Joint Committee on the Judiciary.**  “It also assists prosecutors and trains law enforcement and court personnel.”

“I was honored to participate in the conference committee process with this much needed update to our domestic violence laws,” said **Representative Keiko Orrall (R-Lakeville).** “I am hopeful that this new legislation will be a step forward in our efforts to end domestic abuse."

“This legislation will provide important updates to the Commonwealth’s laws to offer enhanced protections for victims of domestic violence and prevention efforts statewide,” said **Senator Richard J. Ross (R-Wrentham)**. “I'm pleased we were able to take swift yet thoughtful action on this serious issue.”

The bill creates a specific felony charge of strangulation and suffocation, actions that statistically indicate an abuser is more likely to commit domestic violence related homicide in the future, and establishes penalties of up to 5 years in state prison, up to 2 1/2 years in a house of correction, by a fine of up to $5,000 or by both a fine and imprisonment. It also enhances penalties for strangulation in a number of ways including when the action results in serious bodily harm or is committed against a pregnant woman.

The bill provides enhanced resources to help balance prevention and punishment. By standardizing records and mandating that they are shared across jurisdictions, the legislation ensures key decision-makers have the most accurate information and that parties have access to an offender’s complete history. To increase confidentiality and track and identify high-risk cases, the legislation requires that police log entries related to domestic violence are kept in a separate log.

The bill abolishes the antiquated practice of allowing accord and satisfaction, a practice in which parties agree to a private financial settlement. Victims often feel pressure from their abuser to reconcile and are not emotionally able to resist their demands making this provision inappropriate for domestic violence related offenses.

In an effort to consistently improve prevention efforts the legislation establishes enhanced training programs and creates Domestic Fatality Review Teams which will investigate domestic violence related fatalities. The state-level review teams will serve as a tool to help officials understand any shortcomings present in current protocol.

The bill also includes the following provisions:

* Delays bail for offenders to provide the victim with time for safety planning and authorizes the revocation of bail in certain cases;

* Establishes fees for domestic violence offenses. These will be invested in the newly created Domestic and Sexual Violence Prevention and Victim Assistance fund;
* Broadens court authorization related to custody and support orders;
* Increases penalties for subsequent restraining order violations to up to 5 years in state prison or up to 2 1/2 in a house of correction. Under current law, penalties are limited to a fine of up to $5,000 or up to 2 1/2 years in a house of correction, or both; and,
* Requires law enforcement agencies to provide information on batterer’s intervention to defendants when serving them with a Chapter 209A restraining order.

The bill takes steps to help victims recover and continue to make a living by requiring employers with 50 or more employees to allow up to 15 days of leave, with or without pay, to any employee who is a victim of domestic violence or lives with a family member who is a victim of domestic violence. Employees can use the leave to obtain medical attention, counseling, housing, protection orders and other legal assistance. Employers can require employees to provide official documentation to certify that the employee or employee’s family member is a victim of domestic violence. Under this bill, all information about the employee’s leave must be kept confidential. In addition, employees must exhaust all available leave, such as vacation and sick time, before seeking leave established under this bill; however an employer may waive this requirement.

The legislation also promotes innovative approaches such as multi-disciplinary high risk teams and grants program to provide assistance to victims of domestic violence.

The bill now goes to the Governor for his final approval.

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