



## Office of Representative Carolyn C. Dykema

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Contact: Leah Robins, Legislative Aide  
Office of Representative Carolyn Dykema  
[\(617\) 722-2210](tel:6177222210)  
[leah.robins@mahouse.gov](mailto:leah.robins@mahouse.gov)

### **House Passes Comprehensive Domestic Violence Legislation**

*Will close loopholes in current law and provide new legal tools to end the cycle of domestic violence*

Earlier this week, Representative Carolyn Dykema joined her colleagues in the House to pass comprehensive domestic violence legislation which creates new criminal offenses and elevated penalties, boosts prevention efforts and seeks to empower victims.

“Domestic violence is an issue that is facing millions of families across the country and we are no exception in Massachusetts. This bill will give our judicial system additional tools to help the three in ten women and one and ten men that have experienced sexual violence” said Rep. Dykema. “I’m grateful to DA Ryan and her predecessor DA Leone who have long spearheaded efforts to support victims.”

The legislation incorporates several elements from bills filed or co-sponsored by Representative Dykema with the support of Middlesex District Attorney Marian Ryan including:

- Increases allowable penalties in domestic violence cases in which offender has a previous domestic violence offense or history of violence;
- Authorizes judges to impose both cash bail and conditions on domestic violence offenders to address flight risk, while also ensuring protection of a victim, witnesses and community. Current law does not allow for both bail and conditions; and
- Creates a charge of strangulation and suffocation, actions that are strongly correlated to escalating violence and homicide.

“I am grateful to Representative Dykema and Representative Atkins for their long-standing commitment to addressing the legal and systemic gaps in our domestic violence laws. Having testified before the Legislature together in support of many of the initiatives included in this bill, I am encouraged that the House took this important step today,” said Middlesex District Attorney Marian Ryan. “As prosecutors, we have seen the challenges facing victims of domestic violence due to the power and control exerted against them by their abuser, as well as legal and systemic gaps that leave victims inadequately protected. This bill alleviates many of these challenges and provides protection for victims from further abuse by punishing the serious crime of strangulation, strengthening penalties for repeat offenders, and eliminating ways in which an abuser intimidates and coerces his victim not to participate in the prosecution.”

The bill also eliminates the use of an accord and satisfaction, a practice in which financial penalties can serve as a remedy in domestic violence cases, and establishes new crimes of domestic assault or domestic assault and battery near a court house and domestic assault or domestic assault and battery with the intent to intimidate or prevent access to courts.

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 tools to help officials understand any shortcomings in current protocol.

The bill also includes the following provisions:

- Provides enhanced resources for standardizing records and mandating they are shared across jurisdictions, ensuring decision-makers have access to an offender's complete history;
- Delays bail for offenders to give the victim time for safety planning and authorizes the revocation bail in certain cases;
- Establishes employment leave for victims of domestic violence; Creates a Domestic Violence Prevention and Victim Assistance fund funded with fees from domestic violence offenses;
- Broadens court authorization related to custody and support orders; and
- Requires the Department of Elementary and Secondary Education to develop materials on domestic violence and teen dating violence for distribution to high school students as part of the current health curriculum on safe and healthy relationships;

The bill passed the House unanimously.

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