

**An Act Establishing a Sexual Assault and
Stalking Protective Orders Act**

Senator Pamela Resor (D - Middlesex and Worcester)
Representative Peter J. Koutoujian (D - Tenth Middlesex)

General Summary of the Act

The act would establish a criminally enforceable Sexual Assault and Stalking Protective Orders Act.

Relevant Specifics of the Act

Specifically An Act Establishing a Sexual Assault and Stalking Protective Orders Act would amend chapter M.G.L. c. 265 (Crimes Against the Person) by:

Proposing that any person who is a victim of sexual assault, (defined as including any one incident of rape, rape of a child, indecent assault and battery, assault with intent to commit rape, unnatural and lascivious acts with a child, and open and gross lewdness and lascivious behavior), stalking, or by any person who is a victim of criminal harassment and whose harasser has been convicted of criminal harassment under M.G.L. c. 265 §43A may file a petition for a civil no contact order.

Such protection is not conditioned on the victim's reporting of the crime. Additionally, all orders under the proposed statute will also be filed in the statewide domestic violence record keeping system. The legislation identifies the remedies as ordering the respondent to refrain from abusing the petitioner; ordering the respondent to refrain from contacting the petitioner; ordering the respondent to stay away from the petitioner; and ordering the respondent to pay the petitioner monetary compensation for losses suffered as a direct result of the sexual assault, stalking, and criminal harassment.

It establishes that records of cases arising under an action brought under these provisions shall be withheld from public inspection except by order of the court where the petitioner or respondent is a minor. It establishes that the petitioner's residential and workplace information be withheld from public inspection at all times, except by order of the court.

Current Status

2/7/06: Hearing before the Judiciary Committee at 1:00pm in Room B-2.