



Legislative Fact Sheet: Senate Bill 1611 *An Act to Establish a Stalking and Sexual Assault Restraining Order*

Summary

The act would establish a criminally enforceable Protection Order for victims of rape, sexual assault and stalking similar to that currently available to victims of domestic violence.

Sponsors: Senator Harriet Chandler (D- First Worcester)

Current law in Massachusetts

Protective orders are currently only available to survivors if the perpetrator is:

- A spouse or former spouse
- Someone the survivor has lived with
- A family member (by blood or marriage)
- A parent of the survivor's minor child
- A person with whom the survivor had a substantial dating relationship (over 6 months)

Bill highlights:

- Includes victims of stalking, sexual assault, and enticement of a child. *This will permit many more survivors to qualify for the protection order they need.*
- Allows for renewal of an order, or the issuance of a permanent order, if warranted. *This provision is much more efficient than requiring a new protection order each year.*
- There is no statute of limitations for petitions based on the last alleged incident. *Therefore, if a survivor has reason to fear for her safety, she is not limited by the amount of time elapsed since the last incident of harassment.*
- The forms used will be easy for an average person to understand, so survivors will not necessarily need an attorney. *Many survivors do not have the time or resources to hire an attorney, and this provision provides access to all survivors regardless of their means.*
- Violation of the order is a criminal offense and can lead to a fine and/or imprisonment. *Victim advocates in other states have found that protection orders are virtually meaningless without a criminal penalty for violation.*
- Anyone subject to this order must surrender all firearms and permits to possess a firearm. *This safety measure is important to ensure actual protection for survivors.*
- Full faith and credit will be given to protection orders from other states. *This protects survivors from other states, by honoring their protective orders already in effect.*

Jane Doe Inc. Position

In the United States, nearly 18 million women have been victims of rape or attempted rape.¹ The majority of women assaulted were raped when they were under the age of 18. At the same time rape is the most underreported crime in America.² One million women and 371,000 men are stalked annually in the United States.³ While highly effective legal protections exist for many victims, for too many others there is still a dangerous gap in access to protection created by the relationship

¹ 2004 National Crime Victimization Survey

² Ibid.

³ 2008 Stalking Resource Center

requirement for access to a criminally enforceable restraining order under MGL Chapter 209A. Across the country, most states have now remedied this by enabling any victim of harassment to seek a protection order.

The process of obtaining a criminally protective order gives victims access to safety planning, counseling and other services designed to enhance their ability to stay safe. They are accessible to all victims in that, by law, they can be obtained without an attorney. They are portable, as they are enforceable and valid in other states. They can serve as proof of a victim's needs for protection at school, in the workplace, and even among family members and friends, relieving the victim of the need to prove their story in order to get assistance. With the enactment of this legislation we will join other states in increasing the public and individual safety of citizens of the Commonwealth. We strongly support this legislation.

For more information about this legislation or to sign on as co-sponsor, please contact Allisen Tencza in Senator Chandler's Office at (617)722-1544 or Jane Doe Inc.'s Director of Policy and Systems Advocacy Isa Woldegiorgis at (617)557-1821.