

AN ACT IMPROVING PROTECTIONS FOR SEXUAL ASSAULT SURVIVORS

S939/H1820

Lead Sponsors: Senator Harriette Chandler & Representatives Tram Nguyen and Natalie Higgins

Chapter 258E offers critical safety protections to survivors of sexual assault and other harms. It's time to update this important provision to ensure improved access to relief!

WHAT IS A 258E HARASSMENT PREVENTION ORDER?

You can obtain a harassment prevention order to protect you from someone who is harassing, stalking, or sexually assaulting you, no matter what your relationship to that person might be. This is different from a restraining order obtained under Chapter 209A which protects you from a family member or someone you have been in a relationship with.

WHY DOES CHAPTER 258E NEED TO BE UPDATED?

- Since its enactment in 2010, advocates working with survivors obtaining 258E orders have identified gaps in protections for survivors of sexual assault and others seeking relief under this statute.
- Victims of harassment, stalking or sexual assault should have access to equal protections as victims of domestic violence. Not doing so minimizes the seriousness of these crimes and minimizes the experience of these victims. Discrepancies in these statutes can lead to confusion and misunderstanding as to what protections are available

PROVISIONS OF S939/H1820

Adds human trafficking as an offense qualifying for an order.

When Chapter 258E became law, MA did not have a law criminalizing human trafficking. Providing victims of human trafficking with the ability to obtain a harassment prevention order offers them a mechanism for safety.

Affirms a judge's ability to order a defendant to "stay away" from a plaintiff. In practice, judges have the ability to order a defendant to remain a certain distance from the plaintiff. By adding this provision to Ch. 258E we will affirm a judge's right to issue stay away orders and other relief in the judge's discretion.

Adds a firearms removal provision.

This brings 258E in alignment with Chapter 209A. Allows a judge to order the removal of firearms when there is a likelihood of immediate danger.

Affirms a judge's ability to act to protect a victim's pets.

This brings 258E in alignment with Chapter 209A. Allows a judge to order pets to be placed in the care of the plaintiff when a harassment prevention order is issued.

Supporting Organizations

A Safe Place, Inc.
Asian Task Force Against Domestic Violence (ATASK)
Boston Area Rape Crisis Center (BARCC)
DOVE (Domestic Violence Ended), Inc.
Family and Community Resources, Inc.
Healing Abuse Working for Change (HAWC)
Independence House Inc.
Jane Doe Inc.
Jeanne Geiger Crisis Center
Massachusetts Alliance of Portuguese Speakers (MAPS)
Massachusetts Coalition to Prevent Gun Violence
New Hope Inc.
REACH Beyond Domestic Violence, Inc.
Saheli, Inc.
South Shore Resource and Advocacy Center
The Network/La Red
The Second Step
Triangle, Inc.
Visioning B.E.A.R. Circle Intertribal Coalition
Voices Against Violence
YWCA Northeastern Massachusetts