

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to relative to sexual assault and stalking restraining orders.

PETITION OF:

NAME:

Harriette L. Chandler

DISTRICT/ADDRESS:

First Worcester

11 would cause a reasonable person to suffer emotional distress; or (b) causing another to engage
12 involuntarily in sexual conduct; or (c) causing another to engage involuntarily in sexual conduct
13 by force, threat, or duress, included but not limited to, incapacitation through chemical restraint,
14 drugs or intoxication; or (d) engaging in the enticement of a child under the age of 16 under the
15 provisions of chapter 265 section 26C of the Massachusetts General Laws.

16 “Harassment Prevention Orders”, an order or emergency order granted under this chapter.

17 “Involuntarily”, a lack of freely given consent.

18 “Law officer”, any officer authorized to serve criminal process.

19 “Petitioner”, any named petitioner for a Harassment Prevention Order or any named victim of
20 harassment on whose behalf the petition is brought.

21 “Protection order issued by another jurisdiction”, any injunction or other order issued by a court
22 of another state, territory, or possession of the United States, the commonwealth of Puerto Rico,
23 or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or
24 threatening acts or harassment against, or contact or communications with, or physical proximity
25 to a victim of harassment, including temporary and final orders issued by civil and criminal
26 courts filed by or on behalf of a person seeking protection.

27 “Sexual Conduct” any intentional or knowing touching or fondling, either directly or
28 through clothing, of the sex organs, anus or breast, or any part of the body, or any transfer or
29 transmission of semen upon any part of the clothed or unclothed body, for the purpose of sexual
30 gratification or arousal; OR any contact, however slight, between the sex organ or anus of one
31 person by an object, the sex organ, mouth or anus of another person, or any intrusion, however
32 slight, of any part of the body of one person or object into the sex organ or anus of another,
33 including but not limited to cunnilingus, fellatio or anal penetrations. Evidence of emission of
34 semen is not required to prove sexual conduct.

35 “Victim”, any person who suffers harassment, without the need of a report of the offense to the
36 police or the issuance of a complaint or indictment.

37 Section 2. Venue. Proceedings under this chapter shall be filed, heard and determined in the
38 Superior, District, Boston Municipal or Juvenile (if the petitioner or respondent is a juvenile)
39 court departments of the trial court having venue over where: (1) the petitioner resides; (2) the
40 respondent resides; or (3) the alleged harassment occurred.

41 Section 3. Persons Protected By This Act. A petition for a Harassment Prevention
42 Order may be filed:

43 (1) by any person who is a victim of harassment; or

44 (2) by a person on behalf of a minor child or an adult who is a victim of
45 harassment but, because of age, disability, and health cannot file the petition.

46 Section 4. Remedies; Period of Relief. (a) A petitioner may file a petition requesting
47 protection including, but not limited to, the following orders:

48 (1) ordering the respondent to refrain from attempting to cause or causing physical harm or
49 harassment of the petitioner, whether the petitioner is an adult or minor;

50 (2) ordering the respondent to refrain from contacting the petitioner, either directly or indirectly,
51 unless authorized by the court, whether the petitioner is an adult or minor;

52 (3) ordering the respondent to stay away from the petitioner, the petitioner’s household, multiple
53 family dwelling and workplace; or

54 (4) ordering the respondent to pay the petitioner monetary compensation for the losses
55 suffered as a direct result of such harassment. Compensatory loss shall include, but not be
56 limited to, loss of earnings, out-of-pocket losses for injuries sustained, replacement costs for
57 locks or personal property removed or destroyed, medical costs, moving expenses, cost for
58 obtaining an unlisted telephone number and reasonable attorney's fees.

59 (b) Any relief granted by the court shall be for a fixed period of time not to exceed 1 year. Every
60 order shall on its face state the time and date the order is to expire. If the petitioner appears at the
61 court on or before the close of business on the date the order is to expire, the court shall
62 determine whether or not to enter a permanent order, or to extend the order for another period of
63 time reasonably necessary to prevent future harassment or intimidation of the petitioner by the
64 respondent, or contact between the petitioner and the respondent. When the expiration date
65 stated on the order is on a weekend day or holiday, or a date when the court is closed to business,
66 the order shall not expire until the close of business on the next date that the court is open to
67 business. The petitioner may appear on such next court business day to request that the order be
68 extended. At a hearing to extend the order for such additional time, the court shall consider the
69 totality of the circumstances. The fact that harassment or contact between the parties has not
70 occurred during the pendency of an order shall not, in itself, constitute sufficient ground for
71 denying or failing to extend the order, or allowing an order to expire or be vacated, or for
72 refusing to issue a new order.

73 (c) The court may modify its order at any subsequent time upon motion by
74 either party. When the petitioner's address is inaccessible to the respondent, as provided in
75 section 8, and the respondent has filed a motion to modify the court's order, the court shall be

76 responsible for notifying the petitioner. In no event shall the court disclose any such confidential
77 address.

78 (d) A court shall not deny any petition filed under this chapter solely because it was not filed
79 within a particular time period after the last alleged incident of harassment.

80 Section 5. Commencement of action; filing fees. (a) An action for a Harassment
81 Prevention Order is commenced:

82 (1) independently, by filing a Harassment Prevention Order petition in any court, and shall
83 not be contingent upon reporting the alleged harassment to a law enforcement agency nor shall it
84 be contingent upon prosecuting such case criminally; or

85 (2) in conjunction with a delinquency petition or a criminal prosecution

86 for the same act, by filing a petition for a Harassment Prevention Order under the same case
87 number as the delinquency petition or criminal prosecution and treated as a civil and separate
88 matter, to be granted during pre-trial release of a respondent, with any dispositional order issued
89 under section 58 of chapter 119, or as a condition of release, supervision, conditional
90 discharge, probation, periodic imprisonment, parole, or mandatory supervised release, or in
91 conjunction with imprisonment or a bond forfeiture warrant, provided that (i) the violation is
92 alleged in an information, petition, indictment, or delinquency petition on file and the alleged
93 victim is a person that may be afforded protection under this chapter, and (ii) the petition, which
94 is filed by the district attorney, names a victim of the alleged crime as a petitioner.

95 (b) Withdrawal or dismissal of any petition for a Harassment Prevention Order prior to
96 adjudication shall operate as a dismissal without prejudice.

97 (c) Any action commenced under the provisions of this chapter shall not preclude any
98 other civil or criminal remedies. Dismissal of the delinquency petition or criminal prosecution
99 for the same act, or a finding of not guilty, shall not require dismissal of the action for a
100 Harassment Prevention Order.

101 (d) No filing fee shall be charged by the clerk of the court for the filing of the petition. Neither
102 the petitioner nor the petitioner's attorney shall be charged for certified copies of any orders
103 entered by the court, or any copies of the file reasonably required for future court action or as a
104 result of the loss or destruction of petitioner's copies.

105 Section 6. Form of complaint; promulgation. The chief justices for Administration and
106 Management, in consultation with the chief justices of the Superior, District, Boston Municipal
107 or Juvenile court departments shall promulgate a form of petition for use under this chapter
108 which shall be in such form and language to permit a petitioner to prepare and file such petition
109 pro se.

110 Section 7. Pleading; confidentiality of records. (a) A petition for a Harassment Prevention
111 Order shall be in writing and verified or accompanied by affidavit and shall allege that the
112 petitioner has been the victim of harassment and there exists a substantial likelihood of
113 immediate danger of harassment.

114 (b) The records of cases arising out of an action brought under this chapter where the
115 petitioner or respondent is a minor shall be withheld from public inspection except by order of

116 the court; provided, that such records shall be open, at all reasonable times, to the inspection of
117 the minor, said minor's parent, guardian, attorney, and to the petitioner and the petitioner's
118 attorney, or any of them.

119 (c) The petitioner's cellular telephone number, residential address, residential telephone
120 number and workplace name, address and telephone number, contained within the court records
121 of cases arising out of an action brought by a petitioner under this chapter, shall be confidential
122 and withheld from public inspection at all times, except by order of the court and pursuant to the
123 provisions of chapter 265 section 24C of the general laws. All confidential portions of the
124 records shall be accessible at all reasonable times to the petitioner and petitioner's attorney, to
125 others specifically authorized by the petitioner to obtain such information, and to prosecutors,
126 victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as
127 defined in section 20J of chapter 233, and law enforcement officers, if such access is necessary
128 in the performance of their duties. This paragraph shall apply to any protection order issued by
129 another jurisdiction that is filed with a court of the commonwealth pursuant to section 14. Such
130 confidential portions of the court records shall not be deemed to be public records under Clause
131 Twenty-sixth of section 7 of chapter 4.

132 (d) Upon the filing of a petition under this chapter, the court may enter such temporary orders as
133 it deems necessary to protect a petitioner from further contact by the respondent. Such relief
134 shall not be contingent upon reporting the alleged harassment to a law enforcement agency nor
135 shall it be contingent upon prosecuting such case criminally nor may the court consider such
136 factors in rendering its decision.

137 (e) In any proceeding to obtain a Harassment Prevention Order, a petitioner must establish by a
138 preponderance of the evidence that he/she is a victim of harassment and that there is a substantial
139 likelihood of immediate danger of harassment.

140 (f) If the court finds reasonable grounds to believe that the petitioner is the victim of harassment
141 and there is a substantial likelihood of immediate danger of harassment, the court may enter such
142 temporary relief orders without notice as it deems necessary to protect the petitioner from
143 harassment and shall immediately thereafter notify the respondent that the temporary orders have
144 been issued. The court shall give the respondent an opportunity to be heard on the question of
145 continuing the temporary order and of granting other relief as requested by the petitioner no later
146 than 10 court business days after such orders are entered. It is recommended that all such
147 hearings be conducted at sidebar.

148 Notice shall be made by the appropriate law enforcement agency as provided in section 9.

149 If the respondent does not appear at such subsequent hearing, the temporary orders shall continue
150 in effect without further order of the court.

151 Section 8. Hearing. When a petitioner seeks relief under sections 3, 4, 7, or 10, it is
152 recommended that any such hearing be heard at sidebar in order to protect the petitioner's
153 privacy. The rules of evidence do not apply. If the petitioner is a minor, or the application is
154 filed on behalf of a minor, it is recommended that the hearing be closed to the public as in
155 juvenile proceedings.

156 Section 9. Harassment Prevention Order; record search; service of order; enforcement;
157 violations. An order under this statute shall also be filed in the Statewide Domestic Violence

158 Record Keeping System. When considering a petition filed under this chapter, a judge shall
159 cause a search to be made of the records contained within the Statewide Domestic Violence
160 Record Keeping System maintained by the office of the commissioner of probation and shall
161 review the resulting data to determine whether the named respondent has a civil or criminal
162 record involving domestic or other violence. Upon receipt of information that an outstanding
163 warrant exists against the named respondent, a judge shall order that the appropriate law
164 enforcement officials be notified and shall order that any information regarding the respondent's
165 most recent whereabouts shall be forwarded to such officials. In all instances where an
166 outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as
167 to whether a substantial likelihood of immediate danger of harassment to the petitioner exists. In
168 all instances where a substantial likelihood of immediate danger of harassment is found to exist,
169 the judge shall notify the appropriate law enforcement officials of such finding and such officials
170 shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

171 Whenever the court orders under this chapter that an order from this jurisdiction and /or another
172 jurisdiction become effective in the Commonwealth and that the respondent refrain from
173 harassing the petitioner or have no contact with the petitioner, the clerk-magistrate shall transmit
174 2 certified copies of each such order and 1 copy of the petition and summons forthwith to the
175 appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1
176 copy of each order upon the respondent, together with a copy of the petition, order and summons
177 and notice of any suspension or surrender ordered pursuant to section 12. The law enforcement
178 agency shall promptly make its return of service to the court.

179 Law enforcement officers shall use every reasonable means to enforce such Harassment
180 Prevention Orders. Law enforcement agencies shall establish procedures adequate to insure that
181 an officer on the scene of an alleged violation of such order may be informed of the existence
182 and terms of such order. The court shall notify the appropriate law enforcement agency in
183 writing whenever any such order is vacated and shall direct the agency to destroy all record of
184 such vacated order and such agency shall comply with that directive.

185 Each Harassment Prevention Order issued shall contain the following statement: VIOLATION
186 OF THIS ORDER IS A CRIMINAL OFFENSE.

187 Any violation of such order or a protection order issued by another jurisdiction shall be
188 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
189 a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of,
190 the forgoing penalties and any other sentence, fee or assessment, including the victim witness
191 assessment as provided in section 8 of chapter 258B, the court shall order persons convicted of
192 violating a provision of this chapter an additional assessment of \$25 that shall be transmitted to
193 the treasurer for deposit into the General Fund.

194 In each instance of a violation of a Harassment Prevention Order or a protection order issued by
195 another jurisdiction, the court may order the respondent to pay the petitioner for all damages
196 including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained,
197 replacement costs for locks or personal property removed or destroyed, medical costs, moving
198 expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees.

199 Any such violation may be enforced in the superior, district, Boston municipal or juvenile (if the
200 petitioner or respondent are juveniles) court departments. Criminal remedies provided herein are
201 not exclusive and do not preclude any other available civil or criminal remedies. The superior,
202 district, Boston municipal or juvenile court departments may each enforce by civil contempt
203 procedure a violation of its own court order.

204 The provisions of section eight of chapter one hundred and thirty six shall not apply to any order,
205 complaint or summons issued pursuant to this section.

206 Section 10. Granting of relief when court is closed; certification. When the court is closed
207 for business or the petitioner is unable to appear in court because of severe hardship due to the
208 petitioner's physical condition, any justice of the Superior, District, Boston Municipal, or
209 Juvenile (if the petitioner or respondent are juveniles) court departments may grant relief to the
210 petitioner as provided under section 8 if the petitioner has been a victim of harassment and
211 demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the
212 justice, such relief may be granted and communicated by telephone to an officer or employee of
213 an appropriate law enforcement agency, who shall record such order on a form of order
214 promulgated for such use by the Chief Justice for Administration and Management and shall
215 deliver a copy of such order on the next court day to the clerk-magistrate of the court having
216 venue and jurisdiction over the matter. If relief has been granted without the filing of a petition
217 pursuant to this section, the petitioner shall appear in court on the next available business day to
218 file said petition. If the petitioner in such a case is unable to appear in court without severe
219 hardship due to the petitioner's physical condition, then a representative may appear in court on
220 the petitioner's behalf and file the requisite petition with an affidavit setting forth the

221 circumstances preventing the petitioner from appearing personally. Notice to the petitioner and
222 respondent and an opportunity for the respondent to be heard shall be given as provided in
223 section 7.

224 Any order issued under this section and any documentation in support thereof shall be
225 certified on the next court day by the clerk-magistrate of the court issuing such order to the court
226 having venue and jurisdiction over the matter. Such certification to the court shall have the effect
227 of commencing proceedings under this chapter and invoking other provisions of this chapter but
228 shall not be deemed necessary for an emergency order issued under this section to take effect.

229 Section 11. Order for suspension and surrender of firearms license; surrender of firearms;
230 petition for review; hearing. Upon issuance of a temporary or emergency order under sections 7
231 or 10, the court shall, if the petitioner demonstrates a substantial likelihood of immediate danger
232 of harassment, order the immediate suspension and surrender of any license to carry firearms and
233 or firearms identification card which the respondent may hold and order the respondent to
234 surrender all firearms, rifles, shotguns, machine guns and ammunition which the respondent then
235 controls, owns or possesses in accordance with the provisions of this chapter and any license to
236 carry firearms or firearms identification cards which the respondent may hold shall be
237 surrendered to the appropriate law enforcement officials in accordance with the provisions of this
238 chapter and, said law enforcement official may store, transfer or otherwise dispose of any such
239 weapon in accordance with section 129D of chapter 140; provided however, that nothing herein
240 shall authorize the transfer of any weapons surrendered by the respondent to anyone other than a
241 licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy
242 of Harassment Prevention Order served on the respondent pursuant to section 7. Law

243 enforcement officials, upon the service of said orders, shall immediately take possession of all
244 firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any
245 firearms identification cards in the control, ownership, or possession of said respondent. Any
246 violation of such orders shall be punishable by a fine of not more than \$5,000, or by
247 imprisonment for not more than 2 1/2 years in a house of correction, or by both such fine and
248 imprisonment.

249 Any respondent aggrieved by an order of surrender or suspension as described in the first
250 sentence of this section may petition the court which issued such suspension or surrender order
251 for a review of such action and such petition shall be heard no later than 10 court business days
252 after the receipt of the notice of the petition by the court. If said license to carry firearms or
253 firearms identification card has been suspended upon the issuance of an order issued pursuant to
254 sections 7 or 10, said petition may be heard contemporaneously with the hearing specified in
255 section 7. Upon the filing of an affidavit by the respondent that a firearm, rifle, shotgun,
256 machine gun or ammunition is required in the performance of the respondent's employment, and
257 upon a request for an expedited hearing, the court shall order said hearing within 2 business days
258 of receipt of such affidavit and request but only on the issue of surrender and suspension
259 pursuant to this section.

260 Section 12. Continuation or modification of order for surrender or suspension. Upon the
261 continuation or modification of an order issued pursuant to section 8, or upon petition for review
262 as described in section 11, the court shall also order or continue to order the immediate
263 suspension and surrender of a respondent's license to carry firearms, including a Class A or Class
264 B license, and firearms identification card and the surrender of all firearms, rifles, shotguns,

265 machine guns or ammunition which such respondent then controls, owns or possesses if the court
266 makes a determination that the return of such license to carry firearms, including a Class A or
267 Class B license, and firearm identification card or firearms, rifles, shotguns, machine guns or
268 ammunition presents a likelihood of harassment to the petitioner. A suspension and surrender
269 order issued pursuant to this section shall continue so long as the protection order to which it
270 relates is in effect; and, any law enforcement official to whom such weapon is surrendered may
271 store, transfer or otherwise dispose of any such weapon in accordance with section 129D of
272 chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons
273 surrendered by the respondent to anyone other than a licensed dealer. Any violation of such order
274 shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 ½
275 years in a house of correction or by both such fine and imprisonment.

276 Section 13. Protection order issued by another jurisdiction; enforcement; filing; presumption of
277 validity. Any protection order issued by another jurisdiction shall be given full faith and credit
278 throughout the commonwealth and enforced as if it were issued in the commonwealth for as long
279 as the order is in effect in the issuing jurisdiction.

280 A person entitled to protection under a protection order issued by another jurisdiction may file
281 such order in the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent
282 are juveniles) court departments by filing with the court a certified copy of such order which
283 shall be entered into the Statewide Domestic Violence Record Keeping System pursuant to
284 section 10. Such person shall swear under oath in an affidavit, to the best of such person's
285 knowledge that such order is presently in effect as written. Upon request by a law enforcement

286 agency, the clerk of such court shall provide a certified copy of the protection order issued by the
287 other jurisdiction.

288 A law enforcement officer may presume the validity of, and enforce in accordance with section
289 9, a copy of a protection order issued by another jurisdiction which has been provided to the law
290 enforcement officer by any source; provided, however, that the officer is also provided with a
291 statement by the person protected by the order that such order remains in effect. Law
292 enforcement officers may rely on such statement by the person protected by such order and
293 cannot be subjected to civil or criminal liability so long as they have acted in good faith reliance
294 upon the representations.

295 Section 14. Powers of police. Whenever any law officer has reason to believe that an individual
296 has been harassed or is in danger of being harassed, such officer shall use all reasonable means to
297 prevent further harassment. The officer shall take, but not be limited to the following action:

298 (1) remain on the scene of where said harassment occurred or was in danger of occurring as long
299 as the officer has reason to believe that at least one of the parties involved would be in immediate
300 physical danger without the presence of a law officer. This shall include, but not be limited to
301 remaining in the dwelling for a reasonable period of time;

302 (2) assist the victim in obtaining medical treatment necessitated by the harassment, which may
303 include driving the victim to the emergency room of the nearest hospital, or arranging for
304 appropriate transportation to a health care facility, notwithstanding any law to the contrary. If
305 possible, the officer shall take the victim of a sexual assault to a location where a sexual assault

306 nurse examiner is present. The officer shall consider the victim's preference in this regard and
307 what is reasonable under all the circumstances;

308 (3) assist the victim in locating and getting to a safe place including, but not limited to, a
309 designated meeting place for a shelter or a family member or friend's residence;

310 (4) give such person immediate and adequate notice of his or her rights. Such notice shall consist
311 of handing said person a copy of the statement that follows below and reading the same to said
312 person. If said person's native language is not English, the statement shall be then provided in
313 said person's native language whenever possible.

314 "You have the right to appear at the Superior, District, Boston Municipal, or Juvenile (if the
315 petitioner or respondent is a juvenile) court, if you reside within the appropriate jurisdiction, and
316 file a petition requesting any of the following applicable orders: (a) an order directing your
317 attacker to refrain from contacting you, an order directing your attacker to stay away from you,
318 your dwelling and your workplace; and (b) an order directing your attacker to pay you for losses
319 suffered as a result of the harassment including, but not limited to, loss of earnings, out-of-pocket
320 loses for injuries sustained, replacement costs for locks or personal property removed or
321 destroyed, medical costs, moving expenses, cost for obtaining an unlisted telephone number and
322 reasonable attorney's fees.

323 Initiation of a petition under this statute is not contingent upon going forward with a criminal
324 proceeding nor is it contingent upon ongoing cooperation with law enforcement.

325 For an emergency on weekends, holidays, or weeknights the police will refer you to a justice of
326 the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent is a
327 juvenile) court departments.

328 You have the right to go to the appropriate Superior, District, Boston Municipal, or Juvenile (if
329 the petitioner or respondent is a juvenile) court and seek a criminal complaint for related
330 offenses.

331 If you are in need of medical treatment, you have the right to request that an officer present drive
332 you to the nearest hospital or otherwise assist you in obtaining medical treatment. If you are the
333 victim of sexual assault and if possible, the officer shall take you to a location where a sexual
334 assault nurse examiners is present. The officer shall consider your preference in this regard and
335 what is reasonable under all the circumstances.

336 If you believe that police protection is needed for your physical safety, you have the right to
337 request that the officer present remain at the scene until you can leave or until your safety is
338 otherwise ensured. You may also request that the officer assist you in locating and taking you to
339 a safe place, including but not limited to a designated meeting place for a shelter or a family
340 member's or a friend's residence, or a similar place of safety.

341 You may request a copy of the police incident report at no cost from the police department."

342 The officer shall leave a copy of the foregoing statement with such person before
343 leaving the scene or premises.

344 (5) assist such person by activating the emergency judicial system when the court is
345 closed for business;

346 (6) inform the victim that the assailant will be eligible for bail and may be promptly released;
347 and

348 (7) arrest any person a law officer witnesses or has probable cause to believe has violated a
349 temporary or permanent Harassment Prevention Order or judgment issued. When there are no
350 Harassment Prevention Orders or judgments in effect, arrest shall be the preferred response
351 whenever an officer witnesses or has probable cause to believe that a person:

352 (a) has committed a felony; or

353 (b) has committed a misdemeanor involving harassment as defined in section one of this chapter

354 (c) has committed an assault and battery that involved harassment

355 The safety of the victim shall be paramount in any decision to arrest. Any officer arresting both
356 parties must submit a detailed, written report in addition to an incident report, setting forth the
357 grounds for dual arrest.

358 No law officer investigating an incident of harassment shall threaten, suggest, or otherwise
359 indicate the arrest of all parties for the purpose of discouraging requests for law enforcement
360 intervention by any party.

361 No law officer shall be held liable in any civil action regarding personal injury or injury to
362 property brought by any party to a harassment incident for an arrest based on probable cause
363 when such officer acted reasonably and in good faith and in compliance with this chapter.

364 Whenever any law officer investigates an incident of harassment, the officer shall immediately
365 file a written incident report in accordance with the standards of the officer's law enforcement
366 agency and, wherever possible, in the form of the National Incident-Based Reporting System, as
367 defined by the Federal Bureau of Investigation. The latter information may be submitted
368 voluntarily by the local police on a monthly basis to the crime-reporting unit of the criminal
369 history systems board.

370 The petitioner shall be provided a copy of the full incident report at no cost upon request to the
371 appropriate law enforcement department.

372 When a judge or other person authorized to take bail grants bail for any person arrested under
373 this chapter, he shall make reasonable efforts to inform the petitioner of such release prior to or
374 at the time of said release.

375 When any person charged with or arrested for a crime involving harassment under this chapter is
376 released from custody, the court or the emergency response judge shall issue, upon the request of
377 the petitioner, a written no contact order prohibiting the person charged or arrested from having
378 any contact with the petitioner, either directly or indirectly, and shall use all reasonable means to
379 notify the petitioner immediately of release from custody. The petitioner shall be given at no cost
380 a certified copy of the no contact order.

381