

Mass. Gen. L. Chapter 265, Section 43A - Criminal Harassment

In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond reasonable doubt:

1. That the defendant knowingly engaged in a pattern of conduct or speech, or a series of acts, on at least three separate occasions, directed at the alleged victim.
2. That those actions were of a kind that would cause a reasonable person to suffer substantial emotional distress;
3. That those actions did cause the alleged victim to become seriously alarmed; and
4. That the defendant engaged in those actions willfully and maliciously.

Mass. Gen. L. Chapter 265, Section 43 Stalking

In order to prove the defendant guilty of stalking, the Commonwealth must prove five things beyond a reasonable doubt:

1. That over a period of time the defendant knowingly engaged in a pattern of conduct or series acts involving at least three incidents directed at the alleged at the alleged victim;
2. That those acts were a kind that would cause a reasonable person to suffer substantial emotional distress;
3. That those acts did cause the alleged victim to become seriously alarmed or annoyed;
4. That the defendant took those actions willfully and maliciously; and
5. The Commonwealth must prove beyond a reasonable doubt that the defendant also made a threat with the intention of placing the alleged victim in imminent fear of death or bodily injury.

Mass. Gen. L. Chapter 269, Section 14A Harassing or Obscene Telephone Calls or Electronic Communications:

In order to prove the defendant guilty of this offense, the Commonwealth must prove two things beyond reasonable doubt

1. That the defendant (made telephone calls to) (caused telephone calls to be made to) (contacted by electronic communication) (caused to be contacted by electronic communication) the alleged victim repeatedly, which means three or more times; and
2. That the defendant's sole purpose in (making the telephone calls) (having the telephone calls made) (making the contacts by electronic communication) (causing the contacts by electronic communication to be made) was either to harass, annoy or molest the alleged victim or his(her) family.

Mass. Gen. L. Chapter 265 Section 13A - Assault

In order to establish an attempted battery, the Commonwealth must prove beyond a reasonable doubt that the defendant intended to commit a battery-that is harmful or an unpermitted touching-upon the alleged victim, took some overt step toward accomplishing that intent, and came reasonably close to doing so.

In order to prove an imminently threatened battery, the Commonwealth must prove beyond a reasonable doubt that the defendant intended to put the alleged victim in fear of an imminent battery, an engaged in some conduct toward the alleged victim which the alleged victim reasonably perceived as imminently threatening a battery.

Mass. Gen. L. Chapter 275, Section 1 Threat to Commit a Crime

In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond reasonable doubt:

1. That the defendant expressed an intent to injure the alleged victim (and) (or) his (her) property, now or in the future;
2. That the defendant intended that it be conveyed to alleged victim;
3. That the injury was that threatened that it be conveyed to the alleged victim; and
4. That the defendant made the threat under circumstances which could reasonable have caused the alleged victim to fear that the defendant had both the intention and the ability to carry out the threat.

Mass. Gen. L. Chapter 272, Section 53 Annoying and Accosting Persons

In order to prove the defendant guilty of this offense, the Commonwealth must prove five things beyond reasonable doubt:

1. That the defendant knowingly engaged in disorderly acts or language;
2. That those disorderly acts or language were offensive to a reasonable person;
3. That the defendant intended to direct those acts or language to the alleged victim;
4. That the alleged victim was aware of the defendant's offensive and disorderly acts or language; and
5. That the alleged victim was a person of the opposite sex.

Mass. Gen. L. Chapter 269, Section 14 Terroristic Threats

In order to prove the defendant guilty of this offense, the Commonwealth must prove beyond reasonable doubt that:

Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons.

Mass. Gen. L. Chapter 265, Section 37 Civil Rights Act Violations

In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond reasonable doubt:

1. That the alleged victim was exercising a right or privilege protected by the Constitution or laws of the Commonwealth of Massachusetts or of the United States;
2. That the Defendant either injured, intimidated, interfered with, oppressed or threatened the exercise or enjoyment of that legally protected right by the alleged victim, or attempted to do so;
3. That the defendant did so by using force or by threatening to use force; and
4. That the defendant did so willingly.

**Mass. Gen. L. Chapter 258E, Section 9
Violation of a Harassment Prevention
Order**

**Mass. Gen. L. Chapter 209A Section 7
Continuous Violation of an Abuse
Prevention Order**

In order to prove the defendant guilty of this offense, the Commonwealth must prove four things beyond a reasonable doubt:

1. That a court had issued an order pursuant to chapter 258E for harassment and chapter 209A for abuse which ordered the defendant :
 - i. To refrain from abusing the plaintiff;
 - ii. To refrain from contacting the plaintiff directly or indirectly unless authorized by court;
 - iii. To stay a particular distance away from plaintiff;
 - iv. To remain away from the household or multiple family dwelling of the plaintiff; and/or
 - v. To remain from the workplace of the plaintiff.
2. That such an order was in effect on the date when its violation allegedly occurred;
3. That the defendant knew that the pertinent term(s) of the order (was) (were) in effect, either by having received a copy of that order or by having learned of it in some way;
4. That the defendant violated the order by
 - i. Abusing or harassing the plaintiff;
 - ii. Contacting the plaintiff directly or indirectly unless authorized by the court;
 - iii. Failing to stay a particular distance away from the plaintiff;
 - iv. Failing to vacate and remain away from the household or multiple family dwelling of the plaintiff; or
 - v. Failing to remain away from the workplace of the plaintiff.

**Mass. Gen. L. Chapter 272, Section 40
Disturbance of Schools or Assemblies**

Whoever willfully interrupts or disturbs a school or other assembly of people met for a lawful purpose shall be punished for not more than one month or by a fine of not more than fifty dollars; provided however, that whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

**Mass. Gen. L. Chapter 269, Section 17
Hazing; Organizing or Participating**

The term “hazing” as used in this section and in sections 18 and 19, shall mean any conduct or method of initiation into any student organization, whether on private or public property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct includes any consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. **Consent shall not be available as a defense to any prosecution under this action.**

**Mass. Gen. L. Chapter 269, Section 18
Failure to Report Hazing**

Whoever knows that another person is the victim of hazing as defined in section 17 and is at the scene of such crime, shall, to the extent that the person can do so without danger or peril to himself or others, report such crime to the appropriate law enforcement officials as soon as reasonably practicable.

**Mass. Gen. L. Chapter 269, Section 19
Distributing Sections 17 to 19**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, team, or organization which is part of the institution a copy of this section and sections 17 and 18.

Each such group, team, or organization shall distribute a copy of this section and sections 17 and 18 to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated offer to deliver annually to the institution an attested acknowledgment stating that such group, team, or organization has received a copy of this section and distributed to their members, plebes, pledges, or applicants and agree to comply with provisions of section 17, 18, and this section.

Each institution of secondary education and each public or private institution or post secondary education shall at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with emphasis in the student handbook or similar means of communication the intuition’s policies to its students.

Legal Repercussions of Bullying



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