HOUSE DOCKET, NO. 869 FILED ON: 1/15/2013

HOUSE . . . . . No. 1197

The Commonwealth of Massachusetts

PRESENTED BY:

Carlo Basile

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:

An Act to strengthen sexual offender laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carlo Basile	*1st Suffolk*
Robert M. Koczera	*11th Bristol*
Marcos A. Devers	*16th Essex*
F. Jay Barrows	*1st Bristol*
Angelo J. Puppolo, Jr.	*12th Hampden*
Louis L. Kafka	*8th Norfolk*
Shaunna O'Connell	*3rd Bristol*
Walter F. Timilty	*7th Norfolk*
Linda Dorcena Forry	*12th Suffolk*

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By Mr. Basile of Boston, a petition (accompanied by bill, House, No. 1197) of Carlo Basile and others relative to the classification of sex offenders who assault children as level 2 or 3 offenders. The Judiciary.

The Commonwealth of Massachusetts

An Act to strengthen sexual offender laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Classification of Sex Offenders Who Assault Children as Level 2 or 3 Offenders

Section 178K(2)(a) of Chapter 6 of said General Laws, as appearing in 2010 Official Edition, is hereby amended by inserting after the first sentence of subsection (2)(a), in line 101, the following language:-

The board shall not give a level 1 designation to any sex offender who has been convicted of rape of a child under 16 with force under section 22A of chapter 265, aggravated rape of a child under 16 with force under section 22B of chapter 265, a repeat offense under section 22C of chapter 265, rape and abuse of a child under section 23 of chapter 265, aggravated rape and abuse of a child under section 23A of chapter 265, a repeat offense under section 23B of chapter 265, assault on a child with intent to commit rape under section 24B of chapter 265, kidnapping under section 26 of chapter 265 if the victim of the kidnapping was under 16 years of age, enticing a child under the age of 16 for the purposes of committing a crime under section 26C of chapter 265, unnatural and lascivious acts with a child under 16 under section 35A of chapter 272, or any attempt to commit a violation of any of the aforementioned sections pursuant to section 6 of chapter 274, unless the board determines in writing that the sex offender poses no danger to the public.

Indecent assault and battery on child under age of 14; penalties

Section 13B of Chapter 265 of said General Laws is hereby amended by inserting after the word “years”, in line 4, the following language:-

Whoever commits an indecent assault and battery on a child under the age of 10 shall be punished by imprisonment in the state prison for any term of years, but not less than 10 years. The sentence imposed on such person shall not be reduced to less than 10 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have

served 10 years of such sentence. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.

Enhanced penalties for certain crimes whose victims are less than 10 years of age

Chapter 265 of the General Laws is hereby amended by adding the following section:-

Section 49. Whoever commits rape of a child with force as set forth in section 22A of this chapter; aggravated rape of a child with force as set forth in section 22B and section 22C of this chapter; rape and abuse of a child as set forth in section 23 and section 23B of this chapter; aggravated rape and abuse of a child as set forth in section 23A of this chapter; enticing a child via electronic communication to engage in prostitution, human trafficking, or commercial sexual activity under section 26D of this chapter; trafficking of persons for sexual servitude as set forth in subsection (b) of section 50 of this chapter and subsection (a) of section 52 of this chapter; inducing a minor into prostitution under section 4A of chapter 272; incestuous intercourse of a child as set forth in section 17 of chapter 272; or an attempt to violate any of such sections as set forth in section 6 of chapter 274, on a child under the age of 10, shall be punished by imprisonment in state prison for any term of years, but not less than 20 years. The sentence imposed on such person shall not be reduced to less than 20 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 20 years of such sentence. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.