HOUSE DOCKET, NO. 1325 FILED ON: 1/20/2011

HOUSE . . . . . No. 1388

The Commonwealth of Massachusetts

PRESENTED BY:

Donald H. Wong

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 relative to rape of a child by force by previous offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Donald H. Wong	*9th Essex*
Paul Adams	*17th Essex*
F. Jay Barrows	*1st Bristol*
Carlo Basile	*1st Suffolk*
Richard Bastien	*2nd Worcester*
Matthew A. Beaton	*11th Worcester*
Linda Campbell	*15th Essex*
Nick Collins	*4th Suffolk*
Edward F. Coppinger	*10th Suffolk*
James J. Dwyer	*30th Middlesex*
Paul K. Frost	*7th Worcester*
Robert L. Hedlund	*[District]*
Bradley H. Jones, Jr.	*20th Middlesex*
Kevin J. Kuros	*8th Worcester*
Steven L. Levy	*4th Middlesex*
Marc T. Lombardo	*22nd Middlesex*

Shaunna O'Connell	*3rd Bristol*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
George T. Ross	*2nd Bristol*
Joyce A. Spiliotis	*12th Essex*
David M. Torrisi	*14th Essex*
Daniel K. Webster	*6th Plymouth*

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By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 1388) of Donald H. Wong and others relative to increasing the penalty for previously convicted felons subsequently convicted of the crime of rape of a child. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to rape of a child by force by previous offenders.

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

SECTION 1. Chapter 265 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting after section 22C the following new section:

Section 22D. Whoever has sexual intercourse or unnatural sexual intercourse with a child under 14, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury, and has been previously convicted of or adjudicated delinquent or as a youthful offender for: indecent assault and battery on a child under 14 as set forth in section 13B; aggravated indecent assault and battery on a child under 14 as set forth in section 13 ½; indecent assault and battery on a person 14 or older as set forth in section 13H; assault of a child with intent to commit rape as set forth in section 24B; rape of a child with force as set forth in section 22A; aggravated rape of a child with force as set forth in section 23A; rape as set forth in section 22; or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority, shall be punished by imprisonment in the state prison for life. The sentence imposed on such a person shall not be reduced 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. Prosecutions commenced under this section shall neither be continued without a finding, sealed, nor placed on file.

In and prosecution commenced pursuant to this section, introduction into evidence of a prior adjudication or conviction or a prior finding of sufficient facts by either certified attested copies of original court papers, or certified attested copies of the defendant's biographical and information data from records of the department of probation, any jail or house of correction or the department of correction, shall be prima facie evidence that the defendant before the court has been convicted previously by a court of the commonwealth or any other jurisdiction. Such documentation shall be self-authenticating and admissible, after the commonwealth has established the defendant's guilt on the primary offense, as evidence in any court of the

25 commonwealth to prove the defendant's commission of any prior conviction described therein.
26 The commonwealth shall not be required to introduce any additional corroborating evidence or
27 live witness testimony to establish the validity of such prior conviction.