HOUSE DOCKET, NO. 1329 FILED ON: 1/20/2011

HOUSE . . . . . No. 1389

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.

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. 1389) of Donald H. Wong and others relative to the penalty imposed by the courts in the Commonwealth for the rape of a child under fourteen years of age. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to rape of a child by force.

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 shall be punished by imprisonment in the state prison for life or for any term of years but no less than 30 years. The sentence imposed on such person shall not be reduced to less than 30 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 30 years of such sentence. Prosecutions commenced under this section shall neither be continued without a finding, sealed, nor placed on file.

Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be sentenced to the state prison for life or for any term of years, but not less than 45 years. Whoever over the age of 18 commits a second or subsequent such offense shall be sentenced to the state prison for life. The sentence imposed on such person shall not be reduced, or suspended, nor shall nay person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good. Prosecutions commenced under this section shall neither be continued without a finding, sealed nor placed on file.