

# HOUSE . . . . . No. 1248

## The Commonwealth of Massachusetts

PRESENTED BY:

**Geraldo Alicea**

*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 protecting those individuals with mental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	6th Worcester
Scott P. Brown	Norfolk, Bristol and Middlesex
Cleon H. Turner	1st Barnstable
Stephen L. DiNatale	3rd Worcester
John D. Keenan	7th Essex
Richard T. Moore	Worcester and Norfolk
Christine E. Canavan	10th Plymouth
James Dwyer	30th Middlesex
Elizabeth Poirier	14th Bristol
David B. Sullivan	6th Bristol
Paul McMurtry	11th Norfolk
Susan C. Fargo	Third Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4150 OF 2007-2008.]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT PROTECTING THOSE INDIVIDUALS WITH MENTAL DISABILITIES.

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

- 1 Chapter 265 of the General Laws, is hereby amended by inserting after section 13F the following section: -  
2 Section 13F1/2. Whoever commits a rape on a mentally retarded person knowing such person to be mentally  
3 retarded shall for the first offense be punished by imprisonment in the state prison for not less than 10 years nor  
4 more than 20 years and for a second or subsequent offense by imprisonment in the state prisons for not less then 20  
5 years. Except in the case of a conviction for the first offense for violation of this section, the imposition or  
6 execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum  
7 imprisonment herein provided for the offense shall have been served. This section shall not apply to the commission  
8 of a rape by a mentally retarded person upon another mentally retarded person.