

HOUSE No. 3788

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 adoption of the accompanying bill:

An Act relative to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Dudley Chief of Police Steven Wojnar</i>	<i>71 West Main Street, Dudley, MA 01571</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

HOUSE No. 3788

By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant and others relative to the age of consent in certain criminal prosecution for sexual assault and rape of a child by certain employees or contractors. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

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

1 SECTION 1. Chapter 268 of the General Laws is hereby amended by adding after
2 section 21A, as so appearing, the following paragraph: -

3 Section 21B. Any person who is employed by or contracts with any public or private
4 school, or any institution of higher learning, or the department of youth services, the department
5 of social services, the department of mental health, the department of developmental disabilities,
6 or any private institution providing services to clients of such departments, and who, in the
7 course of such employment or contract or as a result thereof, engages in sexual abuse of a person
8 under the age of 18 who is served by such school, department or institution, within or outside of
9 such school, department or institution, shall be punished by imprisonment for not more than five
10 years in a state prison or by a fine of not more than \$10,000 or both. In a prosecution
11 commenced under this section, an individual served by such school, department or institution

- 12 shall be deemed incapable of consent to sexual relations with such person. For purposes of this
- 13 section, sexual relations shall be defined as that term is used of chapter 260, section 4C.