

**SENATE . . . . . No. 869**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan B. Lovely*

*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 relating to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:

*Joan B. Lovely*

DISTRICT/ADDRESS:

*Second Essex*

**SENATE . . . . . No. 869**

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 869) of Joan B. Lovely for legislation relative to the age of consent in certain criminal prosecutions for sexual assault and rape of a child. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relating 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 19 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 \$10,000 or both. In a prosecution commenced under this  
11 section, an individual served by such school, department or institution shall be deemed incapable

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