SENATE DOCKET, NO. 1729 FILED ON: 1/16/2015

SENATE . . . . . No. 931

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to recover assets used in the commission of sexual offenses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Robert L. Hedlund	*Plymouth and Norfolk*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 931) of Bruce E. Tarr, Robert L. Hedlund and Donald F. Humason, Jr. for legislation to recover assets used in the commission of sexual offenses. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2158* OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act to recover assets used in the commission of sexual offenses.

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 10 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended after Section 28B by inserting the following new section:-

"Forfeiture of prizes for sexual offense violations

Section 28C. Any holder of a winning ticket who is convicted of a violation of sections 22-24C, inclusive, or sections 50 or 51, of chapter 265 of the General Laws shall be ineligible for any remaining portion of a prize not yet disbursed. The commission shall not make any further disbursements to the holder and shall return the remaining balance of the prize to the State Lottery and Gaming Fund established by section 10 of this chapter.

9 SECTION 2. Section 55 of chapter 265 of the General Laws, as appearing in the 2014
10 Official Edition, is hereby amended by striking the section in its entirety and inserting in place
11 thereof the following:-

12 "Forfeiture of funds used to facilitate violations of Secs. 22-24C, 50 or 51; victim
13 restitution

14 Section 55. All monies furnished or intended to be furnished by any person in exchange
15 for forced labor or services or sexual servitude, and all monies used or intended to be used to
16 facilitate any violation of sections 22-24C, inclusive, or section 50 or 51, shall be subject to
17 forfeiture to the commonwealth and shall be made available by the court to any victim ordered
18 restitution by the court pursuant to section 3 of chapter 258B.

19 SECTION 3. Section 56 of said Chapter 265, as appearing in the 2014 Official Edition, is
20 hereby amended by striking the title and inserting in place thereof the following:-

21 "Property subject to forfeiture resulting from violations of Secs. 22-24C, 50 or 51;
22 procedure; exceptions; records; preliminary orders for seizure; referral to office of seized
23 property management; homestead exemptions; recording of certificate of fact of final judgment"

24 SECTION 4. Section 56 of said chapter 265 is hereby further amended by inserting
25 before the words "section 50 or 51," wherever so appearing, the following:-

26 "sections 22-24C, inclusive, or"

27 SECTION 5. Section 56 of said chapter 265 is hereby further amended by inserting after
28 clause (iv) in line 18 the following new clause:-

29 “(v) any monies received from the commonwealth, or from any fund or commission
30 established by the commonwealth, including but not limited to prizes disbursed by the State
31 Lottery Commission established by section 23 of chapter 10 of the General Laws, that were used
32 or intended to be used to facilitate any violation of sections 22-24C, inclusive, or section 50 or
33 51”