

HOUSE No. 1246

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act for public protection of our youth..

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 268 of the General laws is hereby amended by inserting after section 21 the
2 following section:-

3 Section 21A. Any person who is employed by a public or private school or institution of
4 higher learning, the department of youth services, the department of social services, the
5 department of mental health, the department of mental retardation or any private institution
6 providing services to clients of such departments and who in the course of such employment or
7 contract with a pupil or client of such departments or institutions within or outside of any facility
8 thereof or a pupil or client under the direct custodial supervision and control of such person or
9 another person, a pupil or client shall be deemed incapable of consent to sexual relations with
10 such person. For purposes of this section, sexual relations shall include intentional, inappropriate
11 contact of a sexual nature, including, but not limited to conduct prohibited by section 22 or 24 of
12 chapter 265 or section 2, 3, 35 or 53A of chapter 272.