

**HOUSE . . . . . No. 1246**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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.