

**HOUSE . . . . . No. 1248**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act protecting those individuals with mental disabilities..

*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 265 of the General Laws, is hereby amended by inserting after section 13F the  
2 following section:-

3 Section 13F1/2. Whoever commits a rape on a mentally retarded person knowing such  
4 person to be mentally retarded shall for the first offense be punished by imprisonment in the state  
5 prison for not less than 10 years nor more than 20 years and for a second or subsequent offense  
6 by imprisonment in the state prisons for not less then 20 years. Except in the case of a  
7 conviction for the first offense for violation of this section, the imposition or execution of the  
8 sentence shall not be suspended, and no probation or parole shall be granted until the minimum  
9 imprisonment herein provided for the offense shall have been served. This section shall not  
10 apply to the commission of a rape by a mentally retarded person upon another mentally retarded  
11 person.