HOUSE DOCKET, NO. 3856 FILED ON: 1/16/2009

HOUSE . . . . . No. 1312

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to criminal harassment of a minor..

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. For the purpose of this section the following words shall, unless the context requires otherwise, have the following meanings:—

"Minor", a person under eighteen years of age.

SECTION 2. Chapter 265 of the General Laws is hereby amended by inserting after section 43A the following -

Section 43B (a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a minor person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, and where there exists more than a 10 year age difference between the defendant and the minor, shall be guilty of the crime of criminal harassment of a minor and shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than five years. Such conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or

telecommunication device including, but not limited to, electronic mail, internet communications or facsimile communications.

(b) Whoever, after having been convicted of the crime of criminal harassment of a minor, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment of a minor having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.

SECTION 3. This act shall take effect upon passage.