

HOUSE No. 3529

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the safety of the children in the commonwealth..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Paragraph 1 of section 22A of chapter 265 of the General Laws, as
2 appearing in the 2006 Official Edition, most recently updated in the December 2008 Cumulative
3 Pamphlet, is hereby amended by striking out the words:- “shall be punished by imprisonment in
4 the state prison for life or for any term of years. A prosecution commenced under this section
5 shall neither be continued without a finding not placed on file.” and inserting in place thereof the
6 following words:- “shall be punished in the state prison for life or for any term of years not less
7 than ten years; provided, however, that a prosecution commenced under the provisions of this
8 section shall not be placed on file or continued without finding. The sentence imposed on such
9 person shall not be reduced to less than ten years, nor suspended, not shall any person convicted
10 under this subsection be eligible for probation, parole, work release, or furlough or receive any
11 deduction from his sentence for good conduct until he shall have served ten years of such
12 sentence. The provision of section 87 of chapter 276 relating to the power of the court to place
13 certain offenders on probation shall not apply to any person charged with a violation of this
14 section.”

15 SECTION 2. Section 23 of chapter 265 of the General Laws, as appearing in the 2006
16 Official Edition, most recently updated in the December 2008 Cumulative Pamphlet, is hereby
17 amended by striking out the words:- “shall be punished by imprisonment in the state prison for
18 life or for any term of years or, except as otherwise provided, for any term in a jail or house of
19 correction. A prosecution commenced under this section shall neither be continued without a
20 finding nor placed on file.” and inserting in place thereof the following words:- “shall be
21 punished by imprisonment in the state prison, in a jail or house of correction for life or any term
22 of years not less than five years; provided, however, that a prosecution commenced under the
23 provisions of this section shall not be placed on file or continued without a finding. The sentence
24 imposed on such person shall not be reduced to less than five years, not suspended, nor shall any
25 person convicted under this subsection be eligible for probation, parole, work release, or
26 furlough or receive any deduction from his sentence for good conduct until he shall have served
27 five years of such sentence. The provisions of section 87 of chapter 276 relating to the power of
28 the court to place certain offenders on probation shall not apply to any person charged with a
29 violation of this section.”

30 Section 3. Section 13B of chapter 265 of the General Laws, as appearing in the 2006
31 Official Edition, most recently updated in the December 2008 Cumulative Pamphlet, is hereby
32 amended by striking out the words:- “shall be punished by imprisonment in the state prison for
33 not more than 10 years, or by imprisonment in the house of correction for not more than 2½
34 years. A prosecution commenced under this section shall neither be continued without a finding
35 nor placed on file.” and inserting in place thereof the following words:- “shall be punished by
36 imprisonment in the state prison, in a jail or house of correction for life or any term of years not
37 less than five years; provided, however, that a prosecution commenced under the provisions of

38 this section shall not be placed on file or continued without finding. The sentence imposed on
39 such person shall not be reduced to less than five years, nor suspended, nor shall any person
40 convicted under this subsection be eligible for probation, parole, work release, or furlough or
41 receive any deduction from his sentence for good conduct until he shall have served five years of
42 such sentence. The provisions of section 87 of chapter 276 relating to the power of the court to
43 place certain offenders on probation shall not apply to any person charged with a violation of this
44 section.”