

**SENATE . . . . . No. 1750**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act to Protect the Welfare of Minors..

*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. Chapter 272 of the General Laws is hereby amended by inserting after  
2 section 35A the following section:-

3 “Section 35B. Any mandated reporter as defined by section 21 of Chapter 119 who has  
4 sexual intercourse, or engages in any sexual act with a person who is under the age of 18,  
5 regardless of consent, shall be punished by imprisonment in the house of correction for up to 2  
6 1/2 years or a fine of not more than \$10,000. Whoever violates this section and is more than four  
7 years older than the victim shall be punished by imprisonment in the state prison for not more  
8 than 10 years or in the house of correction for up to 2 1/2 years and a fine of not more than  
9 \$10,000. It shall be a defense that a lawful marriage existed between the defendant and the  
10 victim at the time of such intercourse.”