

SENATE No. 838

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to sexual abuse by criminal defendants.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Anthony W. Petruccelli

SENATE No. 838

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 838) of Anthony W. Petruccelli for legislation relative to sexual abuse by criminal defendants. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to sexual abuse by criminal defendants.

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 260 of the General Laws, as appearing in the 2008 Official
2 Edition, shall be amended by inserting after Section 4C the following:-

3 Section 4D. Sexual Abuse by Criminal Defendants

4 Whenever a criminal action alleges sexual abuse by an individual of a minor, any civil
5 action alleging sexual abuse of any minor, not limited to the person alleged to have been abused
6 in the criminal action, where the sexual abuse arose from acts or conduct of such individual, or
7 alleging that someone negligently supervised such individual who sexually abused the plaintiff
8 when a

9 minor, not limited to the person alleged to have been abused in the criminal action, or
10 alleging someone engaged in intentional or negligent conduct which caused or contributed to the
11 sexual abuse by the individual of a minor, not limited to the person alleged to have been abused
12 in the criminal action, may be commenced at any time. For the purposes of this section, “sexual
13 abuse” shall be defined as the commission of any act against a minor as set forth in section 13B,

14 13B1/2, 13B3/4, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B of chapter 265 or section 2,
15 3, 4, 4A, 4B, 7, 8, 13, 17, 29A, 34, 35 or 35A of chapter 272 or commission of an act against a
16 minor as set forth in section 13A of chapter 265 where some of the unconsented touching was
17 sexually inappropriate.