

**SENATE . . . . . No. 884**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 protecting children from harm.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Robert L. Hedlund</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>John F. Keenan</i>	
<i>Michael R. Knapik</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 884) of Bruce E. Tarr, Joyce A. Spiliotis, Steven L. Levy, Robert L. Hedlund and other members of the General Court for legislation to protect children from harm. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act protecting children from harm.

*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. Section 22A of Chapter 265 of the General Laws, as appearing in  
2 the 2008 Official Edition, is hereby amended by adding after “for any term of years” The  
3 following:- “but not less than 15 years. The sentence imposed on such person shall not be  
4 reduced to less than 15 years, or suspended, nor shall any person convicted under this section be  
5 eligible for probation, parole, work release or furlough or receive any deduction from his  
6 sentence for good conduct until he shall have served 15 years of such sentence.

7                   SECTION 2. Section 22B of Chapter 265 of the General Laws, as appearing in  
8 the 2008 Official Edition, is hereby amended by striking section (f) and replacing it with the  
9 following: - (f) has been previously convicted of or adjudicated delinquent or as a youthful  
10 offender for: indecent assault and battery on a child under 14 as set forth in section 13B;  
11 aggravated indecent assault and battery on a child under 14 as set forth in section 13B1/2;  
12 indecent assault and battery on a person 14 or older as set forth in section 13H; assault of a child  
13 with intent to commit rape as set forth in section 24B; rape of a child with force as set forth in

14 section 22A; aggravated rape of a child with force as set forth in section 22B; rape and abuse of a  
15 child as set forth in section 23; aggravated rape and abuse of a child as set forth in section 23A;  
16 rape as set forth in section 22; or a like violation of the laws of another state, the United States or  
17 a military, territorial or Indian tribal authority; or

18 (g) the sexual intercourse or unnatural sexual intercourse was committed in a  
19 manner in which the victim could contract a sexually transmitted disease or infection of which  
20 the defendant knew or should have known he was a carrier, shall be punished by imprisonment  
21 in the state prison for life or for any term of years, but not less than 30 years. The sentence  
22 imposed on such person shall not be reduced to less than 30 years, or suspended, nor shall any  
23 person convicted under this section be eligible for probation, parole, work release or furlough or  
24 receive any deduction from his sentence for good conduct until he shall have served 30 years of  
25 such sentence. Prosecutions commenced under this section shall neither be continued without a  
26 finding nor placed on file.

27 SECTION 3. Chapter 265 of the General Laws, as appearing in the 2008 Official  
28 Edition, is hereby amended by adding the following new section:

29 Section 49. Three or more offenses.

30 Whoever is convicted three or more times, whether subsequent or prior violations  
31 of 13B, 13B ½, 13H, 13F, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B, or 26C of chapter 265,  
32 section 3, 4, 4A, 4B, 28, 29A, 29B, 29C, 35, 35A, 29B, 29C of chapter 272, or like violations of  
33 the laws of another state, the United States or a military, territorial or Indian tribal authority shall  
34 be punished by imprisonment in the state prison for life. The sentence imposed on such person  
35 shall not be reduced, or suspended, nor shall any person convicted under this section be eligible

36 for probation, parole, work release, or furlough or receive any deduction from his sentence for  
37 good conduct. Prosecutions commenced under this section shall neither be continued without a  
38 finding, sealed nor placed on file.

39           In any prosecution commenced pursuant to this section, introduction into  
40 evidence of a prior adjudication or conviction or a prior finding of sufficient facts by either  
41 certified attested copies of original court papers, or certified attested copies of the defendant's  
42 biographical and informational data from records of the department of probation, any jail or  
43 house of correction or the department of correction shall be prima facie evidence that the  
44 defendant before the court had been convicted previously by a court of the commonwealth or any  
45 other jurisdiction. Such documentation shall be self-authenticating and admissible, after the  
46 commonwealth has established the defendant's guilt on the primary offense, as evidence in any  
47 court of the commonwealth to prove the defendant's commission of any prior conviction  
48 described therein. The commonwealth shall not be required to introduce any additional  
49 corroborating evidence or live witness testimony to establish the validity of such prior  
50 conviction.