

HOUSE No. 1347

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

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 relating to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/15/2015</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/30/2015</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/23/2015</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/25/2015</i>

HOUSE No. 1347

By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 1347) of Kenneth I. Gordon and others relative to sexual assault prosecutions. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relating to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

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 268 of the General Laws is hereby amended by adding after
2 section 21A, as so appearing, the following paragraph: -

3 Section 21B. Any person who is employed by or contracts with any public or private
4 school, or any institution of higher learning, or the department of youth services, the department
5 of social services, the department of mental health, the department of developmental disabilities,
6 or any private institution providing services to clients of such departments, and who, in the
7 course of such employment or contract or as a result thereof, engages in sexual abuse of a person
8 under the age of 19 who is served by such school, department or institution, within or outside of
9 such school, department or institution, shall be punished by imprisonment for not more than five
10 years in a state prison or by a fine of \$10,000 or both. In a prosecution commenced under this
11 section, an individual served by such school, department or institution shall be deemed incapable

- 12 of consent to sexual relations with such person. For purposes of this section, sexual relations
- 13 shall be defined as that term is used of chapter 260, section 4C.