

HOUSE No. 3787

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 the age of consent in certain civil actions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Dudley Chief of Police Steven Wojnar</i>	<i>71 West Main Street, Dudley, MA 01571</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

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By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant and others relative to the age of consent in certain civil actions for sexual assault and rape of a child by certain employees or contractors. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to the age of consent in certain civil actions 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 Chapter 268 of the General Laws is hereby amended by adding after section 21B, as so
2 appearing, the following paragraph: -

3 Section 21C. Any person who is sexually abused by an employee or contractor with any
4 public or private school, or any institution of higher learning, or the department of youth
5 services, the department of social services, the department of mental health, the department of
6 developmental disabilities, or any private institution providing services to clients of such
7 departments, and who, in the course of such employment or contract or as a result thereof,
8 engages in sexual abuse of a person under the age of 18 who is served by such school,
9 department or institution, within or outside of such school, department or institution, shall have a
10 cause of action against such an employee or contractor, under chapter 260, section 4C. In a civil
11 action commenced under said section, a person served by such school, department or institution
12 shall be deemed incapable of consent to sexual relations with such an employee or contractor.