

**HOUSE . . . . . No. 3788**

---

**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 criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>9/3/2015</i>
<i>Dudley Chief of Police Steven Wojnar</i>	<i>71 West Main Street, Dudley, MA 01571</i>	<i>7/29/2015</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>7/22/2019</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>7/22/2019</i>

**HOUSE . . . . . No. 3788**

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 criminal prosecution 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 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 18 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 not more than \$10,000 or both. In a prosecution  
11 commenced under this section, an individual served by such school, department or institution

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