

**SENATE . . . . . No. 868**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Joan B. Lovely*

*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 civil actions for sexual assault and rape of a child.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Joan B. Lovely*

*Second Essex*

*Kathleen O'Connor Ives*

*First Essex*

**SENATE . . . . . No. 868**

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 868) of Joan B. Lovely and Kathleen O'Connor Ives for legislation relative to the age of consent in certain civil actions for sexual assault and rape of a child. The Judiciary.

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**The Commonwealth of Massachusetts**

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

An Act relating 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 SECTION 16. Chapter 268 of the General Laws is hereby amended by adding after  
2 section 21B, as so 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 19 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.