

SENATE No. 869

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 criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:

Joan B. Lovely

DISTRICT/ADDRESS:

Second Essex

SENATE No. 869

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 869) of Joan B. Lovely for legislation relative to the age of consent in certain criminal prosecutions for sexual assault and rape of a child. 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.