

HOUSE No. 4472

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan and Marjorie C. Decker

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 prohibiting police officers from engaging in sexual relations while on duty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/7/2018</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>3/7/2018</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/20/2018</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/21/2018</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>3/22/2018</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>3/12/2018</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/7/2018</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>3/22/2018</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/9/2018</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>3/15/2018</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>3/12/2018</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/9/2018</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>3/9/2018</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>3/9/2018</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>3/12/2018</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>3/8/2018</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>3/12/2018</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/9/2018</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/19/2018</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>3/7/2018</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>3/16/2018</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>3/12/2018</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>3/9/2018</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/9/2018</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>3/12/2018</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>3/20/2018</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>3/15/2018</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>3/15/2018</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>3/12/2018</i>
<i>Bud Williams</i>	<i>11th Hampden</i>	<i>3/15/2018</i>

HOUSE No. 4472

By Representatives Khan of Newton and Decker of Cambridge, a petition (subject to Joint Rule 12) of Kay Khan, Marjorie C. Decker and others for legislation to prohibit police officers from engaging in sexual relations while on duty. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act prohibiting police officers from engaging in sexual relations while on duty.

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 inserting after
2 section 21A the following section:-

3 Section 21B. For purposes of this section, “police officer” shall mean any officer of a
4 municipal police department, the office of environmental law enforcement, the University of
5 Massachusetts, the department of the state police or the Massachusetts Bay Transportation
6 Authority police department.

7 A police officer who, while on duty or while acting in their official capacity as an officer,
8 engages in sexual relations with anyone who is under arrest, in detention, otherwise in the actual
9 custody of said officer, or who the officer is interacting with in their official capacity, shall be
10 punished by imprisonment for not more than 5 years in a state prison or by a fine of \$10,000, or
11 both. In a prosecution commenced under this section, a person shall be deemed incapable of
12 consent to sexual relations with such officer. For purposes of this section, sexual relations shall

- 13 include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct
- 14 prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.