HOUSE DOCKET, NO. 284 FILED ON: 1/11/2017

# HOUSE . . . . . No. 992

## The Commonwealth of Massachusetts

PRESENTED BY:

***Donald H. Wong***

*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 rape of a child by force.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Donald H. Wong* | *9th Essex* | *1/11/2017* |
| *Timothy R. Whelan* | *1st Barnstable* | *1/11/2017* |
| *Shaunna L. O'Connell* | *3rd Bristol* | *1/11/2017* |

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# HOUSE . . . . . No. 992

By Mr. Wong of Saugus, a petition (accompanied by bill, House, No. 992) of Donald H. Wong, Timothy R. Whelan and Shaunna L. O'Connell relative to the penalty imposed by the courts for the rape of a child under fourteen years of age. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1677* OF 2015-2016.]

## The Commonwealth of Massachusetts

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

An Act relative to rape of a child by force.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 265 of the General Laws as appearing in the 2008 Official Edition, is hereby amended by inserting after section 22C the following new section:

Section 22D. Whoever has sexual intercourse or unnatural sexual intercourse with a child under 14, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury shall be punished by imprisonment in the state prison for life or for any term of years but no less than 30 years. The sentence imposed on such person shall not be reduced to less than 30 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 30 years of such sentence. Prosecutions

commenced under this section shall neither be continued without a finding, sealed, nor placed on file.

Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be sentenced to the state prison for life or for any term of years, but not less than 45 years. Whoever over the age of 18 commits a second or subsequent such offense shall be sentenced to the state prison for life. The sentence imposed on such person shall not be reduced, or suspended, nor shall nay person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good. Prosecutions commenced under this section shall neither be continued without a finding, sealed nor placed on file.