

HOUSE No. 1483

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 promoting the safety of individuals in custody.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|---------------------------------------|------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/16/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/18/2019</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>1/24/2019</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> | <i>2/1/2019</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>2/1/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/1/2019</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/30/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/1/2019</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>2/1/2019</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/31/2019</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>2/2/2019</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> | <i>2/1/2019</i> |
| <i>Kate Hogan</i> | <i>3rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/1/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/1/2019</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>1/31/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/31/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |

| | | |
|------------------------------|-----------------------|------------------|
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/1/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>2/1/2019</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/31/2019</i> |
| <i>Paul F. Tucker</i> | <i>7th Essex</i> | <i>2/1/2019</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>2/1/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>1/30/2019</i> |

HOUSE No. 1483

By Representatives Khan of Newton and Decker of Cambridge, a petition (accompanied by bill, House, No. 1483) of Kay Khan, Marjorie C. Decker and others relative to the penalty for police or public safety officers engaging in sexual relations with persons in custody. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act promoting the safety of individuals in custody.

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, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting after section 21A the following section:-

3 Section 21B. For purposes of this section, “police or public safety officer” or “officer”
4 shall mean any officer of a municipal or state police department, and any other officer or agent of
5 any municipal, state or federal agency, college or university, hospital, or any other entity or
6 facility, who has the lawful authority to place persons under arrest or hold them in custody
7 within the commonwealth.

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

13 deemed incapable of consent to sexual relations with such officer. For purposes of this section,
14 sexual relations shall include intentional, inappropriate contact of a sexual nature, including, but
15 not limited to conduct prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of
16 chapter 272.