SENATE . . . . No. 1014

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 consensual adolescent sexual activity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	
Jack Patrick Lewis	*7th Middlesex*	*1/18/2019*
Jason M. Lewis	*Fifth Middlesex*	*1/24/2019*
Mike Connolly	*26th Middlesex*	*1/28/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/30/2019*
Joseph A. Boncore	*First Suffolk and Middlesex*	*1/30/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/30/2019*
Mary S. Keefe	*15th Worcester*	*1/31/2019*
Patricia D. Jehlen	*Second Middlesex*	*1/31/2019*
Liz Miranda	*5th Suffolk*	*2/1/2019*
Christina A. Minicucci	*14th Essex*	*2/1/2019*
Julian Cyr	*Cape and Islands*	*2/1/2019*

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By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1014) of Rebecca L. Rausch, Jack Patrick Lewis, Jason M. Lewis, Mike Connolly and other members of the General Court for legislation relative to consensual adolescent sexual activity. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to consensual adolescent sexual activity.

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 265 of the General Laws, as appearing in the 2016 Official Edition,

2   is hereby amended by striking out section 13B and inserting in place thereof the following: -

3   Section 13B. Whoever commits an indecent assault and battery on a minor under the age

4   14 shall be punished by imprisonment in the state prison for not more than 10 years, or by

5   imprisonment in the house of correction for not more than 2½ years. A prosecution commenced

6   under this section shall neither be continued without a finding nor placed on file. In a prosecution

7   under this section, a minor under the age of 14 years shall be deemed incapable of consenting to

8   any conduct of the defendant for which such defendant is being prosecuted unless the defendant

9   is no more than 2 years older than the minor and the minor has attained the age of 13.

10   Notwithstanding the provisions of section 54 of chapter 119 or any other general or

11   special law to the contrary, the commonwealth shall only proceed by complaint in juvenile court

12   or in a juvenile session of a district court.

13   SECTION 2. Said chapter 265, as so appearing, is hereby further amended by striking out

14   section 23 and inserting in place thereof the following:-

15   Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor

16   under 16 years of age, provided that the defendant is more than 2 years older than the minor and

17   the minor is under 13 years of age, shall be punished by imprisonment in the state prison for life

18   or for any term of years, or, except as otherwise provided, for any term in a jail or house of

19   correction, provided, however, that a prosecution commenced under this section shall not be

20   placed on file or continued without a finding.

21   Notwithstanding the provisions of section 54 of Chapter 119 or any other general or

22   special law to the contrary, the commonwealth shall only proceed by complaint in juvenile court

23   or in a juvenile session of a district court.

24   SECTION 3. Section 4 of chapter 272 of the General Laws, as appearing in the 2016

25   Official Edition, is hereby repealed.

26   SECTION 4. This act shall take effect upon its passage.