

**SENATE . . . . . No. 1367**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William N. Brownsberger***

*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 protecting individuals in law enforcement custody.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/31/2019</i>

**SENATE . . . . . No. 1367**

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1367) of William N. Brownsberger and Marcos A. Devers for legislation to protecting individuals in law enforcement custody . Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

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

An Act protecting individuals in law enforcement 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. Section 22 of Chapter 265 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting after paragraph (b) the following new  
3 paragraph:-

4 (c) Any law enforcement officer who has sexual intercourse or unnatural sexual  
5 intercourse with a person in the custody or control of the law enforcement officer shall be found  
6 to be in violation of paragraph (b) of this section. For purposes of this paragraph, “law  
7 enforcement officer” shall be defined as any police officer, any auxiliary, intermittent, special,  
8 part-time or reserve police officer, any police officer in the employ of a public institution of  
9 higher education under section 5 of chapter 15A, any public prosecutor, any municipal or public  
10 emergency medical technician, deputy sheriff and/or correction officer.

11 SECTION 2. Chapter 268 of the General Laws is hereby amended by inserting after  
12 section 21A the following section:-

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

17           A police officer who, while on duty or while acting in their official capacity as an officer,  
18 engages in sexual relations with anyone who is under arrest, in detention, otherwise in the actual  
19 custody of said officer, or who the officer is interacting with in their official capacity, shall be  
20 punished by imprisonment for not more than 5 years in a state prison or by a fine of \$10,000, or  
21 both. In a prosecution commenced under this section, a person shall be deemed incapable of  
22 consent to sexual relations with such officer. For purposes of this section, sexual relations shall  
23 include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct  
24 prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.