

**HOUSE . . . . . No. 1620**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth I. Gordon***

*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 preventing educator sexual misconduct and abuse of children and youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/9/2021</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/26/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/1/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>3/1/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/1/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/13/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>5/6/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/6/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>6/14/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/3/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>10/28/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/11/2022</i>

**HOUSE . . . . . No. 1620**

By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 1620) of Kenneth I. Gordon and others relative to preventing educator sexual misconduct and abuse of children and youth. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to preventing educator sexual misconduct and abuse of children and youth.

*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 21B the following section:-

3 Section 21C. A person over the age of 21 who is employed by or contracts with a public  
4 or private school, the department of youth services, the department of children and families, the  
5 department of mental health, the department of developmental services or a private institution  
6 that provides services to clients of such departments, such as an administrator, teacher,  
7 counselor, coach, bus driver or a person in a similar position of authority in the school,  
8 department or institution and, in the course of such employment or contract or as a result thereof,  
9 engages in, within or outside of the school, department or institution, sexual relations with a  
10 person who is: (i) under the age of 19, has not received a high school diploma, general  
11 educational development certificate or equivalent document and is served by the school,  
12 department or institution; or (ii) under the age of 22, has special needs under chapter 71B, has

13 not received a high school diploma, general educational development certificate or equivalent  
14 document and is served by the school, department or institution, shall have a cause of action  
15 against such an employee or contractor, under chapter 260, section 4C. In a civil action  
16 commenced under said section, a person served by such school, department or institution shall be  
17 deemed incapable of consent to sexual relations with such an employee or contractor.

18 SECTION 2. Said chapter 268 is hereby amended by inserting after section 21A the  
19 following section:-

20 Section 21B. A person over the age of 21 who is employed by or contracts with a public  
21 or private school, the department of youth services, the department of children and families, the  
22 department of mental health, the department of developmental services or a private institution  
23 that provides services to clients of such departments, such as an administrator, teacher,  
24 counselor, coach, bus driver, or a person in a position of authority in the school, department or  
25 institution and, in the course of such employment or contract or as a result thereof, engages in,  
26 within or outside of the school, department or institution, sexual relations with a person who is:  
27 (i) under the age of 19, has not received a high school diploma, general educational development  
28 certificate or equivalent document and is served by the school, department or institution; or (ii)  
29 under the age of 22, has special needs under chapter 71B, has not received a high school  
30 diploma, general educational development certificate or equivalent document and is served by  
31 the school, department or institution, shall be punished by imprisonment in a state prison for not  
32 more than 5 years or in a jail or house of corrections for not more than 2½ years, by a fine of  
33 \$10,000 or by both such fine and imprisonment. Registration as a sex offender shall be required.  
34 In the case of a teacher or other licensed professional, revocation of the teaching certificate or  
35 professional license shall also be required. In a prosecution commenced under this section, an

36 individual served by such a school, department or institution shall be deemed incapable of  
37 consent to sexual relations with the person.