HOUSE DOCKET, NO. 1998 FILED ON: 2/16/2021

HOUSE . . . . . No. 1726

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis and Dylan A. Fernandes

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 clarifying consent laws for adolescents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jack Patrick Lewis	*7th Middlesex*	*2/16/2021*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*2/16/2021*
Natalie M. Higgins	*4th Worcester*	*2/20/2021*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*2/23/2021*
Patricia A. Duffy	*5th Hampden*	*2/23/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/23/2021*
James J. O'Day	*14th Worcester*	*2/25/2021*
Kate Lipper-Garabedian	*32nd Middlesex*	*2/26/2021*
Tami L. Gouveia	*14th Middlesex*	*2/26/2021*
David Henry Argosky LeBoeuf	*17th Worcester*	*2/26/2021*
James K. Hawkins	*2nd Bristol*	*2/26/2021*
Mary S. Keefe	*15th Worcester*	*3/3/2021*
Danillo A. Sena	*37th Middlesex*	*3/8/2021*
Erika Uyterhoeven	*27th Middlesex*	*3/14/2021*

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By Messrs. Lewis of Framingham and Fernandes of Falmouth, a petition (accompanied by bill, House, No. 1726) of Jack Patrick Lewis, Dylan A. Fernandes and others relative to consent laws for adolescents. The Judiciary.

The Commonwealth of Massachusetts

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

An Act clarifying consent laws for adolescents.

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 2018 Official Edition, is hereby amended by striking out section 13B and inserting in place thereof the following: -

Section 13B. Whoever commits an indecent assault and battery on a minor under the age of 14 shall be punished by imprisonment in the state prison for not more than 10 years, or by imprisonment in the house of correction for not more than 2½ years. A prosecution commenced under this section shall neither be continued without a finding nor placed on file. In a prosecution under this section, a minor under the age of 14 years shall be deemed incapable of consenting to any conduct of the defendant for which such defendant is being prosecuted unless the defendant is no more than 2 years older than the minor and the minor has attained the age of 13.

Notwithstanding the provisions of section 54 of chapter 119 or any other general or special law to the contrary, in a prosecution under this section in which the defendant is a

juvenile at the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or in a juvenile session of a district court.

SECTION 2. Said chapter 265, as so appearing, is hereby further amended by striking out section 23 and inserting in place thereof the following:-

Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor under 16 years of age, provided that the defendant is more than 2 years older than the minor or that the minor is under 13 years of age, shall be punished by imprisonment in the state prison for life or for any term of years, or, except as otherwise provided, for any term in a jail or house of correction, provided, however, that a prosecution commenced under this section shall not be placed on file or continued without a finding.

Notwithstanding the provisions of section 54 of chapter 119 or any other general or special law to the contrary, in a prosecution under this section in which the defendant is a juvenile at the time of the offense, the commonwealth shall only proceed by complaint in juvenile court or in a juvenile session of a district court.

SECTION 3. Section 4 of chapter 272 of the General Laws, as appearing in the 2016 Official Edition, is hereby repealed.

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