

SENATE No. 1126

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:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/23/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/2/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/5/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/13/2021</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/20/2021</i>

SENATE No. 1126

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1126) of Rebecca L. Rausch, Jack Patrick Lewis, Mary S. Keefe, Michael O. Moore and others for legislation relative to consensual adolescent sexual activity. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1014 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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 2018 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 of 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, in a prosecution under this section in which the defendant is a
12 juvenile at the time of the offense, the commonwealth shall only proceed by complaint in
13 juvenile court or in a juvenile session of a district court.

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

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

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

26 SECTION 3. Section 4 of chapter 272 of the General Laws is hereby repealed.

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