

HOUSE No. 1617

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 supporting consenting young adults.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/19/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/20/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/20/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/22/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/30/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>3/8/2023</i>

HOUSE No. 1617

By Representatives Lewis of Framingham and Fernandes of Falmouth, a petition (accompanied by bill, House, No. 1617) of Jack Patrick Lewis, Dylan A. Fernandes and others relative to the penalties for violations of age of consent laws for young adults. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act supporting consenting young adults.

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 13B of chapter 265 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the word “prosecuted” the following
3 words:- unless the defendant is not more than 2 years older than the minor and the minor has
4 attained the age of 13 years.

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

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

11 Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor
12 under 16 years of age, unless the defendant is not more than 2 years older than the minor and the

13 minor has attained the age of 13 years, shall be punished by imprisonment in the state prison for
14 life or for any term of years or, except as otherwise provided, for any term in a jail or house of
15 correction. A prosecution commenced under this section shall not be placed on file or continued
16 without a finding.

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

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