HOUSE DOCKET, NO. 2217 FILED ON: 1/20/2011

HOUSE . . . . . No. 2198

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 the safety of children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Marc T. Lombardo	*22nd Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Geoff Diehl	*7th Plymouth*
Randy Hunt	*5th Barnstable*
F. Jay Barrows	*1st Bristol*
Shaunna O'Connell	*3rd Bristol*
Susan Williams Gifford	*2nd Plymouth*
Daniel K. Webster	*6th Plymouth*
Donald H. Wong	*9th Essex*
Todd M. Smola	*1st Hampden*
Angelo L. D'Emilia	*8th Plymouth*
Ryan C. Fattman	*18th Worcester*
Sheila C. Harrington	*1st Middlesex*
Kimberly N. Ferguson	*1st Worcester*
Matthew A. Beaton	*11th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Steven L. Levy	*4th Middlesex*

Bruce E. Tarr	
Paul K. Frost	*7th Worcester*
George T. Ross	*2nd Bristol*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

HOUSE DOCKET, NO. 2217 FILED ON: 1/20/2011

HOUSE . . . . . No. 2198

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2198) of Bradley H. Jones, Jr., and others relative to the penalties for sexual offenses against certain minors. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the safety of children.

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. Section 178E of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (e).

SECTION 2. Section 178E of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out subsection (f).

SECTION3. Section 178G of chapter 6 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words “sexually violent predator,”, the following language:- “or has been convicted of the rape of a child pursuant to section 22A or 22B of chapter 265,”.

SECTION 4. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking section 22A in its entirety and inserting in place thereof the following section:-

12 Section 22A. Whoever has sexual intercourse or unnatural sexual intercourse with a child
13 under 16, and compels such child to submit by force and against his will or compels such child to
14 submit by threat of bodily injury, shall be punished by imprisonment in the state prison for life or
15 for any term of years, but not less than ten years. Prosecutions commenced under this section
16 shall neither be continued without a finding nor placed on file.

17 SECTION5 . Section 22B of chapter 265 of the General Laws, as appearing in the 2008
18 Official Edition, is hereby amended in clause (f) by striking out, each time it appears, the number
19 "15" and inserting in place thereof, in each instance, the following number:- "20".

20 SECTION 6. Section 22C of chapter 265 of the General Laws, as appearing in the 2008
21 Official Edition, is hereby amended in the first paragraph by striking out, each time it appears,
22 the number "20" and inserting in place thereof, in each instance, the following number:- "30".

23 SECTION 7. Paragraph (a) of section 29A of chapter 272 of the General Laws, as
24 appearing in the 2008 Official Edition, is hereby amended by striking out the words "or by a fine
25 of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and
26 imprisonment" and inserting in place thereof the following:-

27 , and whoever, either with knowledge that a person is a child under fourteen years of age,
28 and with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, cause,
29 encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the
30 purpose of representation or reproduction in any visual material, shall be punished by
31 imprisonment in the state prison for a term of not less than ten years nor more than twenty-five
32 years.

33 SECTION 8. Paragraph (b) of section 29A of the chapter 272 of the General Laws, as
34 appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be
35 punished by imprisonment in the state prison for a term of not less than ten nor more than twenty
36 years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both
37 such fine and imprisonment" and inserting in place thereof the following:-

38 shall be punished by imprisonment in the state prison for a term of not less than fifteen
39 nor more than twenty-five years, and whoever, either with knowledge that a person is a child
40 under 14 years of age or while in possession of such facts that he should have reason to know
41 that such person is a child under 14 years of age, and hires, coerces, solicits or entices, employs,
42 procures, uses, causes, encourages, or knowingly permits such child to participate or engage in
43 any act that depicts, describes, or represents sexual conduct for the purpose of representation or
44 reproduction in any visual material, or to engage in any live performance involving sexual
45 conduct, shall be punished by imprisonment in the state prison for a term of not less than twenty
46 years nor more than thirty years.

47 SECTION 9. Paragraph (a) of section 29B of chapter 272 of the General Laws, as
48 appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be
49 punished in the state prison for a term of not less than ten nor more than twenty years or a by a
50 fine of not less than ten thousand nor more than fifty thousand dollars or three times the
51 monetary value of any economic gain derived from said dissemination, whichever is greater, or
52 by both such fine and imprisonment" and inserting in place thereof the following:-

53 for the first offense, shall be punished in the state prison for a term of not less than ten
54 years nor more than twenty years or by a fine of not less than $50,000 or by a fine of ten times

55 the monetary value of any economic gain derived from said dissemination, whichever is greater,
56 or by both such fine and imprisonment; a second or subsequent violation of this section shall be
57 punished in the state prison for a term of not less than fifteen years nor more than twenty years.

58 SECTION 10. Paragraph (b) of section 29B of chapter 272 of the General Laws, as
59 appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be
60 punished in the state prison for a term of not less than ten nor more than twenty years or by a fine
61 of not less than ten thousand nor more than fifty thousand dollars or three times the monetary
62 value of any economic gain derived from said dissemination, whichever is greater, or by both
63 such fine and imprisonment" and inserting in place thereof the following:-

64 shall be punished in the state prison for a term of not less than ten years nor more than
65 twenty years.

66 SECTION 11. Paragraph (vii) of section 29C of chapter 272 of the General Laws, as
67 appearing in the 2008 Official Edition, is hereby amended by striking out the words " shall be
68 punished by imprisonment in the state prison for not more than five years or in a jail or house of
69 correction for not more than two and one-half years or by a fine of not less than $1,000 nor more
70 than $10,000, or by both such fine and imprisonment for the first offense, not less than five years
71 in a state prison or by a fine of not less than $5,000 nor more than $20,000, or by both such fine
72 and imprisonment for the second offense, not less than 10 years in a state prison or by a fine of
73 not less than $10,000 nor more than $30,000, or by both such fine and imprisonment for the third
74 and subsequent offenses" and inserting in place thereof:

75 shall be punished by imprisonment in the state prison or in a jail or house of correction
76 for a term of not less than two years or by a fine of not less than $10,000 nor more than $30,000,

77 or by both such fine and imprisonment for the first offense; not less than five years in a state
78 prison or by a fine of not less than $50,000 nor more than $100,000, or by both such fine and
79 imprisonment for the second offense, not less than ten years in a state prison for the third and
80 subsequent offenses.

81 SECTION 12. Section 29A of chapter 272 of the General Laws, as so appearing, is
82 hereby amended by inserting at the end thereof the following sentence:

83 A person convicted of violating the provisions of this section shall not be eligible for
84 probation.

85 SECTION 13. Section 29B of chapter 272 of the General Laws, as so appearing, is
86 hereby amended by inserting at the end thereof the following sentence:

87 A person convicted of violating the provisions of this section shall not be eligible for
88 probation.