HOUSE DOCKET, NO. 319 FILED ON: 1/14/2011

HOUSE . . . . . No. 390

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

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 for public protection of our youth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	*6th Worcester*
John D. Keenan	*7th Essex*
Christine E. Canavan	*10th Plymouth*
James J. Dwyer	*30th Middlesex*
Paul McMurtry	*11th Norfolk*

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HOUSE . . . . . No. 390

By Mr. Alicea of Charlton, a petition (accompanied by bill, House, No. 390) of Geraldo Alicea and others for legislation to protect certain students and clients of public or private institutions from inappropriate sexual contact by employees. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1246* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act for public protection of our 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 Chapter 268 of the General laws is hereby amended by inserting after section 21 the
2 following section:-

3 Section 21A. Any person who is employed by a public or private school or institution of
4 higher learning, the department of youth services, the department of social services, the
5 department of mental health, the department of mental retardation or any private institution
6 providing services to clients of such departments and who in the course of such employment or
7 contract with a pupil or client of such departments or institutions within or outside of any facility
8 thereof or a pupil or client under the direct custodial supervision and control of such person or
9 another person, a pupil or client shall be deemed incapable of consent to sexual relations with
10 such person. For purposes of this section, sexual relations shall include intentional, inappropriate

11 contact of a sexual nature, including, but not limited to conduct prohibited by section 22 or 24 of

12 chapter 265 or section 2, 3, 35 or 53A of chapter 272.