SENATE DOCKET, NO. 1421 FILED ON: 1/18/2013

SENATE . . . . . No. 803

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 rape of a child by force.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
John P. Fresolo	*16th Worcester*
Randy Hunt	*5th Barnstable*
Cheryl A. Coakley-Rivera	*10th Hampden*
James J. Dwyer	*30th Middlesex*
Christine E. Canavan	*10th Plymouth*
Colleen M. Garry	*36th Middlesex*
James J. Lyons, Jr.	*18th Essex*
Geoff Diehl	*7th Plymouth*
Bradley H. Jones, Jr.	*20th Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*
Ryan C. Fattman	*18th Worcester*
Joseph DiPietro, the President of Protect Mass Children	*1150 Walnut Street, Newton, MA*

SENATE DOCKET, NO. 1421 FILED ON: 1/18/2013

SENATE . . . . . No. 803

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 803) of Bruce E. Tarr, John P. Fresolo, Randy Hunt, Cheryl A. Coakley-Rivera and other members of the General Court for legislation relative to rape of a child by force. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to rape of a child by force.

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 2010 Official Edition is hereby amended by inserting after section 22C the following new section:

Section 22D. Whoever has sexual intercourse or unnatural sexual intercourse with a child under 14, and compels such child to submit by force and against his will or compels such child to submit by threat of bodily injury shall be punished by imprisonment in the state prison for life or for any term of years but no less than 30 years. The sentence imposed on such person shall not be reduced to less than 30 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 30 years of such sentence. Prosecutions commenced under this section shall neither be continued without a finding, sealed, nor placed on file.

Whoever commits any offense described in this section while armed with a firearm, rifle, shotgun, machine gun or assault weapon shall be sentenced to the state prison for life or for any term of years but not less than 45 years. Whoever over the age of 18 commits a second or subsequent such offense shall be sentence to the state prison for life. The sentence imposed on such person shall not be reduced, or suspended, nor shall nay person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good. Prosecutions commenced under this section shall neither be continued without a finding, sealed, nor placed on file.