

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1733

TITLE: An Act relative to the age of consent in certain criminal prosecutions and civil actions for sexual assault and rape of a child.

SPONSOR: Rep. Kenneth I. Gordon

COSPONSOR(S): Rep. Natalie M. Blais

HEARING DATE: June 17, 2025

PRIOR HISTORY: H1537 (2023-2024) H3310 (2019-2020)
H1618 (2021-2022) H3062 (2017-2018)

SENATE BILL: None

CURRENT LAW: Section 21 of Chapter 119 of the General Laws defines “mandated reporter” to include public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded or licensed by the commonwealth that provides child care or residential services to children or that provides the services of child care resources and referral agencies, voucher management agencies or family child care systems or child care food programs, licenser of the department of early education and care or school attendance officer.

Section 13B ½ of Chapter 265 in subsection (b) punishes a mandated reporter who commits an indecent assault and battery on a child under the age of 14 by 10 years to life in state prison.

Section 23A of Chapter 265 in subsection (c) punishes a mandated reporter who rapes and abuses a child under 16 years of age by 10 years to life in state prison.

BILL SUMMARY: Section 1 – Adds 2 new sections to Chapter 268.

Section 21B punishes with up to 5 years in state prison or a fine of \$10,000, or both, any person employed by or contracted with a private or public school, DYS, DCF, DMH, DDS or any private institution providing services to clients of such departments who, during or as a result of their employment or contract, engage in

sexual abuse of a person either: (i) under the age of 18 or under 21 if identified as a child with special needs under Chapter 71B, who has not received a high school diploma or an equivalent document and who is served by such school, department or institution with; or (ii) under 19 years of age, has not received a high school diploma or equivalent document and attends the college or university where the defendant works. In a prosecution under the section the individual served by the school, department or institution is deemed incapable of consent to sexual relations with the defendant.

Section 21C provides a civil cause of action against the employee or contractor who perpetrated the abuse under Section 21B.