

HOUSE No. 01388

The Commonwealth of Massachusetts

PRESENTED BY:

Donald Wong

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 passage of the accompanying bill:

An Act relative to rape of a child by force by previous offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Donald Wong</i>	<i>9th Essex</i>
<i>Paul Adams</i>	<i>17th Essex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Richard Bastien</i>	<i>2nd Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Edward Coppinger</i>	<i>10th Suffolk</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>

<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>David M. Torrisi</i>	<i>14th Essex</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>

HOUSE No. 01388

By Mr. Donald Wong of Saugus, petition (accompanied by bill, House, No. 01388) of Daniel K. Webster and others relative to increasing the penalty for previously convicted felons subsequently convicted of the crime of rape of a child.. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to rape of a child by force by previous offenders.

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. Chapter 265 of the General Laws as appearing in the 2008 Official Edition, is
2 hereby amended by inserting after section 22C the following new section:

3 Section 22D. Whoever has sexual intercourse or unnatural sexual intercourse with a child under
4 14, and compels such child to submit by force and against his will or compels such child to
5 submit by threat of bodily injury, and has been previously convicted of or adjudicated delinquent
6 or as a youthful offender for: indecent assault and battery on a child under 14 as set forth in
7 section 13B; aggravated indecent assault and battery on a child under 14 as set forth in section 13
8 ½; indecent assault and battery on a person 14 or older as set forth in section 13H; assault of a
9 child with intent to commit rape as set forth in section 24B; rape of a child with force as set forth
10 in section 22A; aggravated rape of a child with force as set forth in section 23A; rape as set forth
11 in section 22; or a like violation of the laws of another state, the United States or a military,

12 territorial or Indian tribal authority, shall be punished by imprisonment in the state prison for life.
13 The sentence imposed on such a person shall not be reduced or suspended, nor shall any person
14 convicted under this section be eligible for probation, parole, work release or furlough or receive
15 any deduction from his sentence for good conduct. Prosecutions commenced under this section
16 shall neither be continued without a finding, sealed, nor placed on file.

17 In and prosecution commenced pursuant to this section, introduction into evidence of a prior
18 adjudication or conviction or a prior finding of sufficient facts by either certified attested copies
19 of original court papers, or certified attested copies of the defendant's biographical and
20 information data from records of the department of probation, any jail or house of correction or
21 the department of correction, shall be prima facie evidence that the defendant before the court
22 has been convicted previously by a court of the commonwealth or any other jurisdiction. Such
23 documentation shall be self-authenticating and admissible, after the commonwealth has
24 established the defendant's guilt on the primary offense, as evidence in any court of the
25 commonwealth to prove the defendant's commission of any prior conviction described therein.
26 The commonwealth shall not be required to introduce any additional corroborating evidence or
27 live witness testimony to establish the validity of such prior conviction.