

HOUSE No. 1480

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 sexually exploited individuals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 1480

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1480) of Kay Khan and others relative to sexually exploited individuals. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to sexually exploited individuals.

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. Section 7 of chapter 4, as appearing in the 2016 Official Edition, is hereby
2 amended by adding the following 2 clauses:

3 Sixtieth, “Commercial sexual exploitation” shall mean any actual or attempted abuse of a
4 position of vulnerability, differential power, or trust, for sexual purposes, including, but not
5 limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

6 Sixty-first, “Sexually exploited individual”, a person who is subjected to actual or
7 attempted abuse for sexual purposes, including, but not limited to, profiting monetarily, socially,
8 or politically, including, but not limited to a prostitute, common street walker, common night
9 walker, or a person who engages, agrees to engage, or offers to engage in sexual conduct with
10 another person in return for a fee or in exchange for food, shelter, clothing, education, or care.

11 SECTION 2. Section 66A of chapter 10 of the General Laws, as so appearing, is hereby
12 amended by inserting after the figure “265”, in line 20, the following words: “including sexually
13 exploited individuals.”

14 SECTION 3. Section 20M of chapter 233 of the General Laws, as appearing, is hereby
15 amended by inserting after the figure “265”, in line 15, the following words: “or a sexually
16 exploited individual.”

17 SECTION 4. Section 57 of chapter 265 is hereby repealed.

18 SECTION 5. Section 8 of chapter 272 of the General Laws, as appearing, is hereby
19 amended by striking out the word “shall”, in line 2, and inserting in place thereof the following
20 words: “, except a sexually exploited individual whose body is solicited, shall”.

21 SECTION 6. Section 53 of said chapter 272, as so appearing, is hereby amended by
22 striking out subsection (a) and inserting in place thereof the following subsection:-

23 (a) Whoever commits offensive and disorderly acts or uses language to accost or annoy
24 another person, is lewd, wanton and lascivious in speech or behavior, keeps a noisy and
25 disorderly house, or is guilty of indecent exposure, shall be punished by imprisonment in a jail or
26 house of correction for not more than 6 months, or by a fine of not more than \$200, or by both
27 such fine and imprisonment.

28 SECTION 7. Said chapter 272, as so appearing, is hereby amended by striking out
29 subsection 53A and inserting in place thereof the following section:-

30 (a) Whoever pays, agrees to pay or offers to pay another person to engage in sexual
31 conduct, shall be punished by imprisonment in the house of correction for not more than 2 and

32 one-half years or by a fine of not less than \$1,000 and not more than \$5,000, or by both such
33 imprisonment and fine, whether such sexual conduct occurs or not.

34 (b) Whoever pays, agrees to pay or offers to pay any person with the intent to engage in
35 sexual conduct with a child under the age of 18, or whoever is paid, agrees to pay or agrees that a
36 third person be paid in return for aiding a person who intends to engage in sexual conduct with a
37 child under the age of 18, shall be punished by imprisonment in the state prison for not more
38 than 10 years, or in the house of correction for not more than 2 and one-half years and by a fine
39 of not less than \$3,000 and not more than \$10,000, or by both such imprisonment and fine,
40 whether such sexual conduct occurs or not; provided, however, that a prosecution commenced
41 under this section shall not be continued without a finding or placed on file.