

HOUSE No. 1493

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis and Aaron Vega

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 clarifying consent laws for adolescents.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------------|--|
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Dylan A. Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> |
| <i>Tram T. Nguyen</i> | <i>18th Essex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> |
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> |

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|------------------------------|---------------------------------------|
| <i>Liz Miranda</i> | <i>5th Suffolk</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> |

HOUSE No. 1493

By Messrs. Lewis of Framingham and Vega of Holyoke, a petition (accompanied by bill, House, No. 1493) of Jack Patrick Lewis and others relative to the penalties for violations of age of consent laws for adolescents. The Judiciary.

The Commonwealth of Massachusetts

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

An Act clarifying consent laws for adolescents.

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 2016 Official Edition,
2 is hereby amended by striking out section 13B and inserting in place thereof the following: -

3 Section 13B. Whoever commits an indecent assault and battery on a minor under the age
4 14 shall be punished by imprisonment in the state prison for not more than 10 years, or by
5 imprisonment in the house of correction for not more than 2½ years. A prosecution commenced
6 under this section shall neither be continued without a finding nor placed on file. In a prosecution
7 under this section, a minor under the age of 14 years shall be deemed incapable of consenting to
8 any conduct of the defendant for which such defendant is being prosecuted unless: (a) The
9 defendant is no more than 2 years older than the minor and the minor has attained the age of 13.

10 Notwithstanding the provisions of section 54 of Chapter 119 or any other general or
11 special law to the contrary, the commonwealth shall only proceed by complaint in juvenile court
12 or in a juvenile session of a district court.

13 SECTION 2. Said chapter 265, as so appearing, is hereby amended by striking out
14 section 23 and inserting in place thereof the following:-

15 Section 23. Whoever has sexual intercourse or unnatural sexual intercourse with a minor
16 under 16 years of age, provided that the defendant is more than 2 years older than the minor and
17 the minor is under 13 year of age, shall be punished by imprisonment in the state prison for life
18 or for any term of years, or, except as otherwise provided, for any term in a jail or house of
19 correction, provided, however, that a prosecution commenced under this section shall not be
20 placed on file or continued without a finding.

21 Notwithstanding the provisions of section 54 of Chapter 119 or any other general or
22 special law to the contrary, the commonwealth shall only proceed by complaint in juvenile court
23 or in a juvenile session of a district court.

24 SECTION 3. Section 4 of chapter 272 of the General Laws, as appearing in the 2016
25 Official Edition, is hereby repealed.

26 SECTION 4. This act shall take effect upon its passage.