

HOUSE No. 02198

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 the safety of children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>
<i>Donald Wong</i>	<i>9th Essex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Angelo D'Emilia</i>	<i>8th Plymouth</i>
<i>Ryan Fattman</i>	<i>18th Worcester</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Nicholas Boldyga</i>	<i>3rd Hampden</i>

<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>

HOUSE No. 02198

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2198) of Ross and others relative to the penalties for sexual offenses against certain minors Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the safety of children.

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 178E of chapter 6 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out subsection (e).

3 SECTION 2. Section 178E of chapter 6 of the General Laws, as so appearing, is hereby amended
4 by striking out subsection (f).

5 SECTION 3. Section 178G of chapter 6 of the General Laws, as appearing in the 2008 Official
6 Edition, is hereby amended by inserting after the words “sexually violent predator,” the
7 following language:- “or has been convicted of the rape of a child pursuant to section 22A or
8 22B of chapter 265.”.

9 SECTION 4. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition, is
10 hereby amended by striking section 22A in its entirety and inserting in place thereof the
11 following section:-

12 Section 22A. Whoever has sexual intercourse or unnatural sexual intercourse with a child under
13 16, and compels such child to submit by force and against his will or compels such child to
14 submit by threat of bodily injury, shall be punished by imprisonment in the state prison for life or
15 for any term of years, but not less than ten years. Prosecutions commenced under this section
16 shall neither be continued without a finding nor placed on file.

17 SECTION 5 . Section 22B of chapter 265 of the General Laws, as appearing in the 2008 Official
18 Edition, is hereby amended in clause (f) by striking out, each time it appears, the number “15”
19 and inserting in place thereof, in each instance, the following number:- “20”.

20 SECTION 6. Section 22C of chapter 265 of the General Laws, as appearing in the 2008 Official
21 Edition, is hereby amended in the first paragraph by striking out, each time it appears, the
22 number “20” and inserting in place thereof, in each instance, the following number:- “30”.

23 SECTION 7. Paragraph (a) of section 29A of chapter 272 of the General Laws, as appearing in
24 the 2008 Official Edition, is hereby amended by striking out the words “or by a fine of not less
25 than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment”
26 and inserting in place thereof the following:-

27 , and whoever, either with knowledge that a person is a child under fourteen years of age, and
28 with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, cause,
29 encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the
30 purpose of representation or reproduction in any visual material, shall be punished by
31 imprisonment in the state prison for a term of not less than ten years nor more than twenty-five
32 years.

33 SECTION 8. Paragraph (b) of section 29A of the chapter 272 of the General Laws, as appearing
34 in the 2008 Official Edition, is hereby amended by striking out the words “shall be punished by
35 imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by
36 a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and
37 imprisonment” and inserting in place thereof the following:-

38 shall be punished by imprisonment in the state prison for a term of not less than fifteen nor more
39 than twenty-five years, and whoever, either with knowledge that a person is a child under 14
40 years of age or while in possession of such facts that he should have reason to know that such
41 person is a child under 14 years of age, and hires, coerces, solicits or entices, employs, procures,
42 uses, causes, encourages, or knowingly permits such child to participate or engage in any act that
43 depicts, describes, or represents sexual conduct for the purpose of representation or reproduction
44 in any visual material, or to engage in any live performance involving sexual conduct, shall be
45 punished by imprisonment in the state prison for a term of not less than twenty years nor more
46 than thirty years.

47 SECTION 9. Paragraph (a) of section 29B of chapter 272 of the General Laws, as appearing in
48 the 2008 Official Edition, is hereby amended by striking out the words “shall be punished in the
49 state prison for a term of not less than ten nor more than twenty years or a by a fine of not less
50 than ten thousand nor more than fifty thousand dollars or three times the monetary value of any
51 economic gain derived from said dissemination, whichever is greater, or by both such fine and
52 imprisonment” and inserting in place thereof the following:-

53 for the first offense, shall be punished in the state prison for a term of not less than ten years nor
54 more than twenty years or by a fine of not less than \$50,000 or by a fine of ten times the

55 monetary value of any economic gain derived from said dissemination, whichever is greater, or
56 by both such fine and imprisonment; a second or subsequent violation of this section shall be
57 punished in the state prison for a term of not less than fifteen years nor more than twenty years.

58 SECTION 10. Paragraph (b) of section 29B of chapter 272 of the General Laws, as appearing in
59 the 2008 Official Edition, is hereby amended by striking out the words “shall be punished in the
60 state prison for a term of not less than ten nor more than twenty years or by a fine of not less than
61 ten thousand nor more than fifty thousand dollars or three times the monetary value of any
62 economic gain derived from said dissemination, whichever is greater, or by both such fine and
63 imprisonment” and inserting in place thereof the following:-

64 shall be punished in the state prison for a term of not less than ten years nor more than twenty
65 years.

66 SECTION 11. Paragraph (vii) of section 29C of chapter 272 of the General Laws, as appearing
67 in the 2008 Official Edition, is hereby amended by striking out the words “ shall be punished by
68 imprisonment in the state prison for not more than five years or in a jail or house of correction
69 for not more than two and one-half years or by a fine of not less than \$1,000 nor more than
70 \$10,000, or by both such fine and imprisonment for the first offense, not less than five years in a
71 state prison or by a fine of not less than \$5,000 nor more than \$20,000, or by both such fine and
72 imprisonment for the second offense, not less than 10 years in a state prison or by a fine of not
73 less than \$10,000 nor more than \$30,000, or by both such fine and imprisonment for the third
74 and subsequent offenses” and inserting in place thereof:

75 shall be punished by imprisonment in the state prison or in a jail or house of correction for a term
76 of not less than two years or by a fine of not less than \$10,000 nor more than \$30,000, or by both

77 such fine and imprisonment for the first offense; not less than five years in a state prison or by a
78 fine of not less than \$50,000 nor more than \$100,000, or by both such fine and imprisonment for
79 the second offense, not less than ten years in a state prison for the third and subsequent offenses.

80 SECTION 12. Section 29A of chapter 272 of the General Laws, as so appearing, is hereby
81 amended by inserting at the end thereof the following sentence:

82 A person convicted of violating the provisions of this section shall not be eligible for probation.

83 SECTION 13. Section 29B of chapter 272 of the General Laws, as so appearing, is hereby
84 amended by inserting at the end thereof the following sentence:

85 A person convicted of violating the provisions of this section shall not be eligible for probation.