

HOUSE No. 00389

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

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 protecting those individuals with mental disabilities..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Susan C. Fargo</i>	<i>Third Middlesex</i>

HOUSE No. 00389

By Mr. Geraldo Alicea of Charlton, petition (accompanied by bill, House, No. 00389) of Anne M. Gobi and others for legislation to increase the penalties imposed for rape of mentally retarded persons. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1248 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act protecting those individuals with mental disabilities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 265 of the General Laws, is hereby amended by inserting after section 13F the
2 following section:-

3 Section 13F1/2. Whoever commits a rape on a mentally retarded person knowing such person
4 to be mentally retarded shall for the first offense be punished by imprisonment in the state prison
5 for not less than 10 years nor more than 20 years and for a second or subsequent offense by
6 imprisonment in the state prisons for not less then 20 years. Except in the case of a conviction
7 for the first offense for violation of this section, the imposition or execution of the sentence shall
8 not be suspended, and no probation or parole shall be granted until the minimum imprisonment

9 herein provided for the offense shall have been served. This section shall not apply to the
10 commission of a rape by a mentally retarded person upon another mentally retarded person.