

HOUSE No. 00390

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 for public protection of our youth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Geraldo Alicea</i>	<i>6th Worcester</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

HOUSE No. 00390

By Mr. Geraldo Alicea of Charlton, petition (accompanied by bill, House, No. 00390) of Paul McMurtry and others for legislation to protect certain students and clients of public or private institutions from inappropriate sexual contact by employees. Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1246 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act for public protection of our youth..

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 268 of the General laws is hereby amended by inserting after section 21 the
2 following section:-

3 Section 21A. Any person who is employed by a public or private school or institution of higher
4 learning, the department of youth services, the department of social services, the department of
5 mental health, the department of mental retardation or any private institution providing services
6 to clients of such departments and who in the course of such employment or contract with a pupil
7 or client of such departments or institutions within or outside of any facility thereof or a pupil or
8 client under the direct custodial supervision and control of such person or another person, a pupil
9 or client shall be deemed incapable of consent to sexual relations with such person. For purposes

10 of this section, sexual relations shall include intentional, inappropriate contact of a sexual nature,
11 including, but not limited to conduct prohibited by section 22 or 24 of chapter 265 or section 2,
12 3, 35 or 53A of chapter 272.