

**HOUSE . . . . . No. 4472**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kay Khan and Marjorie C. Decker***

*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 prohibiting police officers from engaging in sexual relations while on duty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

**HOUSE . . . . . No. 4472**

By Representatives Khan of Newton and Decker of Cambridge, a petition (subject to Joint Rule 12) of Kay Khan, Marjorie C. Decker and others for legislation to prohibit police officers from engaging in sexual relations while on duty. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act prohibiting police officers from engaging in sexual relations while on duty.

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

3 Section 21B. For purposes of this section, “police officer” shall mean any officer of a  
4 municipal police department, the office of environmental law enforcement, the University of  
5 Massachusetts, the department of the state police or the Massachusetts Bay Transportation  
6 Authority police department.

7 A police officer who, while on duty or while acting in their official capacity as an officer,  
8 engages in sexual relations with anyone who is under arrest, in detention, otherwise in the actual  
9 custody of said officer, or who the officer is interacting with in their official capacity, shall be  
10 punished by imprisonment for not more than 5 years in a state prison or by a fine of \$10,000, or  
11 both. In a prosecution commenced under this section, a person shall be deemed incapable of  
12 consent to sexual relations with such officer. For purposes of this section, sexual relations shall

- 13 include intentional, inappropriate contact of a sexual nature, including, but not limited to conduct
- 14 prohibited by section 22 or 24 of chapter 265 or section 2, 3, 35 or 53A of chapter 272.