

**HOUSE . . . . . No. 776**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Peter J. Durant***

*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 relative to the age of consent in certain civil actions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

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By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 776) of Peter J. Durant and others relative to the age of consent in certain civil actions for sexual assault and rape of a child by certain employees or contractors. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3787 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

An Act relative to the age of consent in certain civil actions for sexual assault and rape of a child.

*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 adding after section 21B, as so  
2 appearing, the following paragraph: -

3 Section 21C. Any person who is sexually abused by an employee or contractor with any  
4 public or private school, or any institution of higher learning, or the department of youth  
5 services, the department of social services, the department of mental health, the department of  
6 developmental disabilities, or any private institution providing services to clients of such  
7 departments, and who, in the course of such employment or contract or as a result thereof,  
8 engages in sexual abuse of a person under the age of 18 who is served by such school,  
9 department or institution, within or outside of such school, department or institution, shall have a  
10 cause of action against such an employee or contractor, under chapter 260, section 4C. In a civil

- 11 action commenced under said section, a person served by such school, department or institution
- 12 shall be deemed incapable of consent to sexual relations with such an employee or contractor.