

HOUSE No. 777

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 criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th 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>Timothy R. Whelan</i>	<i>1st Barnstable</i>

HOUSE No. 777

By Mr. Durant of Spencer, a petition (accompanied by bill, House, No. 777) of Peter J. Durant and others relative to the age of consent in certain criminal prosecution for sexual assault and rape of a child by certain employees or contractors. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3788 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 criminal prosecutions 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 SECTION 1. Chapter 268 of the General Laws is hereby amended by adding after
2 section 21A, as so appearing, the following paragraph: -

3 Section 21B. Any person who is employed by or contracts with any public or private
4 school, or any institution of higher learning, or the department of youth services, the department
5 of social services, the department of mental health, the department of developmental disabilities,
6 or any private institution providing services to clients of such departments, and who, in the
7 course of such employment or contract or as a result thereof, engages in sexual abuse of a person
8 under the age of 18 who is served by such school, department or institution, within or outside of
9 such school, department or institution, shall be punished by imprisonment for not more than five

10 years in a state prison or by a fine of not more than \$10,000 or both. In a prosecution
11 commenced under this section, an individual served by such school, department or institution
12 shall be deemed incapable of consent to sexual relations with such person. For purposes of this
13 section, sexual relations shall be defined as that term is used of chapter 260, section 4C.