

SENATE No. 132

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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 preventing sexual abuse of children and youth by adults in positions of authority or trust.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/31/2021</i>

SENATE No. 132

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 132) of Joan B. Lovely, Steven G. Xiarhos, Michael O. Moore, Elizabeth A. Malia and others for legislation relative to preventing sexual abuse of children and youth by adults in positions of authority or trust. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to preventing sexual abuse of children and youth by adults in positions of authority or trust.

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

3 Section 21B. A person over the age of 21 who is employed by or contracts with a public
4 or private school, the department of youth services, the department of children and families, the
5 department of mental health, the department of developmental services or a private institution
6 that provides services to clients of such departments, who is a teacher, administrator or a person
7 in a similar position of authority in the school, department or institution and, in the course of
8 such employment or contract or as a result thereof, engages in, within or outside of the school,
9 department or institution, sexual relations with a person who is: (i) under the age of 19, has not
10 received a high school diploma, general educational development certificate or equivalent
11 document and is served by the school, department or institution; or (ii) under the age of 22, has

12 special needs under chapter 71B, has not received a high school diploma, general educational
13 development certificate or equivalent document and is served by the school, department or
14 institution, shall have a cause of action against such an employee or contractor, under chapter
15 260, section 4C. In a civil action commenced under said section, a person served by such
16 school, department or institution shall be deemed incapable of consent to sexual relations with
17 such an employee or contractor.