

SENATE No. 869

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 relating to the age of consent in certain criminal prosecutions for sexual assault and rape of a child.

PETITION OF:

NAME:

Joan B. Lovely

DISTRICT/ADDRESS:

Second Essex

SENATE No. 869

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 869) of Joan B. Lovely for legislation relative to the age of consent in certain criminal prosecutions for sexual assault and rape of a child. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relating 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 19 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 \$10,000 or both. In a prosecution commenced under this
11 section, an individual served by such school, department or institution shall be deemed incapable

12 of consent to sexual relations with such person. For purposes of this section, sexual relations
13 shall be defined as that term is used of chapter 260, section 4C.