

**HOUSE . . . . . No. 1618**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth I. Gordon***

*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 and civil actions for sexual assault and rape of a child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/13/2021</i>

**HOUSE . . . . . No. 1618**

By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 1618) of Kenneth I. Gordon relative to the age of consent in certain criminal prosecutions and civil actions for sexual assault and rape of a child. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act relative to the age of consent in certain criminal prosecutions and 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 Section 1. Chapter 268 of the General Laws, as appearing in the 2014 Official Edition, is  
2 hereby amended by inserting after section 21A the following paragraphs:-

3 Section 21B. Any person who is employed by or contracts with any public or private  
4 school, or the department of youth services, the department of children and families, the  
5 department of mental health, the department of developmental services, or any private institution  
6 providing services to clients of such departments, and who, in the course of such employment or  
7 contract or as a result thereof, engages in sexual abuse of a person under the age of 19, or under  
8 the age of 22 under Chapter 71B, who has not received a high school diploma, a general  
9 educational development certificate, or an equivalent document and who is served by such  
10 school, department or institution, within or outside of such school, department or institution,  
11 shall be punished by imprisonment for not more than five years in a state prison or by a fine of  
12 \$10,000 or both. In a prosecution commenced under this section, an individual served by such

13 school, department or institution shall be deemed incapable of consent to sexual relations with  
14 such person. For purposes of this section, sexual relations shall be defined as that term is used of  
15 chapter 260, section 4C.

16 Any person who is employed or contracted by an institution of higher learning, and who,  
17 in the course of such employment or as a result thereof, engages in sexual abuse of a person who  
18 is 19 years of age or under who has not received a high school diploma, a general educational  
19 development certificate, or an equivalent document and who is enrolled in or attending the  
20 college or university at which the person is employed, shall be punished by imprisonment for not  
21 more than five years in a state prison or by a fine of \$10,000 or both. In a prosecution  
22 commenced under this section, an individual served by such institution shall be deemed  
23 incapable of consent to sexual relations with such person. For purposes of this section, sexual  
24 relations shall be defined as that term is used of chapter 260, section 4C.

25 Section 21C. Any person who is sexually abused by an employee or contractor with any  
26 public or private school, or the department of youth services, the department of children and  
27 families, the department of mental health, the department of developmental services, or any  
28 private institution providing services to clients of such departments, and who, in the course of  
29 such employment or contract or as a result thereof, engages in sexual abuse of a person under the  
30 age of 19, or under the age of 22 under Chapter 71B, who has not received a high school  
31 diploma, a general educational development certificate, or an equivalent document and who is  
32 served by such school, department or institution, within or outside of such school, department or  
33 institution, shall have a cause of action against such an employee or contractor, under chapter  
34 260, section 4C. In a civil action commenced under said section, a person served by such

35 school, department or institution shall be deemed incapable of consent to sexual relations with  
36 such an employee or contractor.

37           Any person who is employed or contracted by a college or university, and who, in  
38 the course of such employment or as a result thereof, engages in sexual abuse of a person who is  
39 19 years of age or under who has not received a high school diploma, a general educational  
40 development certificate or an equivalent document and who is enrolled in or attending the  
41 college or university at which the person is employed, shall have a cause of action against such  
42 an employee or contractor, under chapter 260, section 4C.