

SENATE No. 1012

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 to define indecent assault and battery, including nonconsensual condom removal.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 1012

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 1012) of Diana DiZoglio for legislation to define indecent assault and battery, including nonconsensual condom removal. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to define indecent assault and battery, including nonconsensual condom removal.

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 258B of the General Laws is hereby amended by inserting after
2 section 13 the following new section:-

3 Section 14: Indecent assault and battery; civil remedies

4 Section 14. (a) A person who commits indecent assault and battery, as defined in section
5 13A ½ of chapter 265 of the General Laws, upon another is liable to such other person for
6 damages, including, but not limited to, general damages, special damages, and punitive damages.

7 (b) The court in an action pursuant to this section may award equitable relief, including,
8 but not limited to, an injunction, costs, and any other relief the court deems proper.

9 (c) The rights and remedies provided in this section are in addition to any other rights and
10 remedies provided by law.

11 SECTION 2. Chapter 265 of the General Laws is hereby amended by inserting after
12 section 13A the following new section:-

13 Section 13A ½: Indecent assault and battery defined

14 Section 13A ½. (a) A person commits an indecent assault and battery who does any of the
15 following:

16 (1) Acts with the intent or recklessly to cause a harmful or offensive contact with an
17 intimate part of another, and a sexually offensive contact with such other person directly or
18 indirectly results.

19 (2) Acts with the intent or recklessly to cause a harmful or offensive contact with another
20 by use of the person's intimate part, and a sexually offensive contact with such other person
21 directly or indirectly results.

22 (3) Acts to cause an imminent apprehension by another of the conduct described in
23 paragraph (1) or (2) of this subsection (a), and a sexually offensive contact with such other
24 person directly or indirectly results.

25 (4) Causes contact between a sexual organ, from which a condom or other barrier
26 prophylaxis or contraceptive has been removed, and the intimate part of another who did not
27 verbally consent to the condom or other barrier prophylaxis or contraceptive being removed.

28 (5) Actively damages, destroys, or otherwise renders ineffective a condom or other
29 barrier prophylaxis or contraceptive prior to or during contact between the person's sexual organ
30 and the intimate part of another.

31 (6) Actively damages, destroys, or otherwise renders ineffective another's prophylactic or
32 contraceptive methods prior to or during contact between the person's sexual organ and the
33 intimate part of such other person.

34 (b) For the purposes of this section:

35 (1) "Intimate part" means any portion of the anatomy, whether clothed or unclothed,
36 commonly considered private, including, but not limited to, breasts, abdomen, buttocks, thighs,
37 sexual organ, anus, and groin.

38 (2) "Offensive contact" means contact that offends a reasonable sense of personal dignity
39 and contemporary standards of decency.