# HOUSE . . . . . . . . . . . . No. 2198

## The Commonwealth of Massachusetts

PRESENTED BY:

### Bradley H. Jones, Jr.

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 passage of the accompanying:

An Act relative to the safety of children.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
Marc T. Lombardo	22nd Middlesex
Donald F. Humason, Jr.	4th Hampden
Geoff Diehl	7th Plymouth
Randy Hunt	5th Barnstable
F. Jay Barrows	1st Bristol
Shaunna O'Connell	3rd Bristol
Susan Williams Gifford	2nd Plymouth
Daniel K. Webster	6th Plymouth
Donald H. Wong	9th Essex
Todd M. Smola	1st Hampden
Angelo L. D'Emilia	8th Plymouth
Ryan C. Fattman	18th Worcester
Sheila C. Harrington	1st Middlesex
Kimberly N. Ferguson	1st Worcester
Matthew A. Beaton	11th Worcester
Nicholas A. Boldyga	3rd Hampden
Steven L. Levy	4th Middlesex

Bruce E. Tarr	
	$\Box$ [District]
Paul K. Frost	7th Worcester
George T. Ross	2nd Bristol
George N. Peterson, Jr.	9th Worcester
Bradford Hill	4th Essex
Elizabeth A. Poirier	14th Bristol
Viriato Manuel deMacedo	1st Plymouth

## HOUSE . . . . . . . . . . . . . No. 2198

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2198) of Bradley H. Jones, Jr., and others relative to the penalties for sexual offenses against certain minors. The Judiciary.

### The Commonwealth of Massachusetts

An Act relative to the safety of children.

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. Section 178E of chapter 6 of the General Laws, as appearing in the 2008
- 2 Official Edition, is hereby amended by striking out subsection (e).
- 3 SECTION 2. Section 178E of chapter 6 of the General Laws, as so appearing, is hereby
- 4 amended by striking out subsection (f).
- 5 SECTION3. Section 178G of chapter 6 of the General Laws, as appearing in the 2008
- 6 Official Edition, is hereby amended by inserting after the words "sexually violent predator,", the
- 7 following language:- "or has been convicted of the rape of a child pursuant to section 22A or
- 8 22B of chapter 265,".
- 9 SECTION 4. Chapter 265 of the General Laws, as appearing in the 2008 Official Edition,
- 10 is hereby amended by striking section 22A in its entirety and inserting in place thereof the
- 11 following section:-
- Section 22A. Whoever has sexual intercourse or unnatural sexual intercourse with a child
- 13 under 16, and compels such child to submit by force and against his will or compels such child to
- 14 submit by threat of bodily injury, shall be punished by imprisonment in the state prison for life or
- 15 for any term of years, but not less than ten years. Prosecutions commenced under this section
- 16 shall neither be continued without a finding nor placed on file.
- 17 SECTION5 . Section 22B of chapter 265 of the General Laws, as appearing in the 2008
- 18 Official Edition, is hereby amended in clause (f) by striking out, each time it appears, the number
- 19 "15" and inserting in place thereof, in each instance, the following number:- "20".

20 SECTION 6. Section 22C of chapter 265 of the General Laws, as appearing in the 2008 21 Official Edition, is hereby amended in the first paragraph by striking out, each time it appears, 22 the number "20" and inserting in place thereof, in each instance, the following number:- "30".

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SECTION 7. Paragraph (a) of section 29A of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words "or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment" and inserting in place thereof the following:-

27 , and whoever, either with knowledge that a person is a child under fourteen years of age, 28 and with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, cause, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the 30 purpose of representation or reproduction in any visual material, shall be punished by 31 imprisonment in the state prison for a term of not less than ten years nor more than twenty-five 32 years.

SECTION 8. Paragraph (b) of section 29A of the chapter 272 of the General Laws, as 34 appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand nor more than fifty thousand dollars, or by both such fine and imprisonment" and inserting in place thereof the following:-

38 shall be punished by imprisonment in the state prison for a term of not less than fifteen 39 nor more than twenty-five years, and whoever, either with knowledge that a person is a child under 14 years of age or while in possession of such facts that he should have reason to know 40 that such person is a child under 14 years of age, and hires, coerces, solicits or entices, employs, 41 procures, uses, causes, encourages, or knowingly permits such child to participate or engage in 43 any act that depicts, describes, or represents sexual conduct for the purpose of representation or 44 reproduction in any visual material, or to engage in any live performance involving sexual conduct, shall be punished by imprisonment in the state prison for a term of not less than twenty years nor more than thirty years. 46

SECTION 9. Paragraph (a) of section 29B of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be punished in the state prison for a term of not less than ten nor more than twenty years or a by a 50 fine of not less than ten thousand nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment" and inserting in place thereof the following:-

53 for the first offense, shall be punished in the state prison for a term of not less than ten years nor more than twenty years or by a fine of not less than \$50,000 or by a fine of ten times 55 the monetary value of any economic gain derived from said dissemination, whichever is greater, 56 or by both such fine and imprisonment; a second or subsequent violation of this section shall be punished in the state prison for a term of not less than fifteen years nor more than twenty years.

58 SECTION 10. Paragraph (b) of section 29B of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be 59 punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment" and inserting in place thereof the following:-

64 shall be punished in the state prison for a term of not less than ten years nor more than twenty years. 65

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SECTION 11. Paragraph (vii) of section 29C of chapter 272 of the General Laws, as 67 appearing in the 2008 Official Edition, is hereby amended by striking out the words "shall be punished by imprisonment in the state prison for not more than five years or in a jail or house of 69 correction for not more than two and one-half years or by a fine of not less than \$1,000 nor more 70 than \$10,000, or by both such fine and imprisonment for the first offense, not less than five years in a state prison or by a fine of not less than \$5,000 nor more than \$20,000, or by both such fine 71 and imprisonment for the second offense, not less than 10 years in a state prison or by a fine of 72 not less than \$10,000 nor more than \$30,000, or by both such fine and imprisonment for the third 74 and subsequent offenses" and inserting in place thereof:

75 shall be punished by imprisonment in the state prison or in a jail or house of correction 76 for a term of not less than two years or by a fine of not less than \$10,000 nor more than \$30,000, or by both such fine and imprisonment for the first offense; not less than five years in a state 77 prison or by a fine of not less than \$50,000 nor more than \$100,000, or by both such fine and 78 79 imprisonment for the second offense, not less than ten years in a state prison for the third and 80 subsequent offenses.

81 SECTION 12. Section 29A of chapter 272 of the General Laws, as so appearing, is 82 hereby amended by inserting at the end thereof the following sentence:

83 A person convicted of violating the provisions of this section shall not be eligible for probation. 84

85 SECTION 13. Section 29B of chapter 272 of the General Laws, as so appearing, is 86 hereby amended by inserting at the end thereof the following sentence:

87 A person convicted of violating the provisions of this section shall not be eligible for 88 probation.