HOUSE DOCKET, NO. 317 FILED ON: 1/14/2011

HOUSE . . . . . No. 389

The Commonwealth of Massachusetts

PRESENTED BY:

Geraldo Alicea

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 protecting those individuals with mental disabilities..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Geraldo Alicea	*6th Worcester*
Anne M. Gobi	*5th Worcester*
Cleon H. Turner	*1st Barnstable*
Stephen L. DiNatale	*3rd Worcester*
John D. Keenan	*7th Essex*
Richard T. Moore	☐ *[District]* ☐
Christine E. Canavan	*10th Plymouth*
James J. Dwyer	*30th Middlesex*
Susan C. Fargo	☐ *[District]* ☐

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HOUSE . . . . . No. 389

By Mr. Alicea of Charlton, a petition (accompanied by bill, House, No. 389) of Geraldo Alicea and others for legislation to increase the penalties imposed for rape of mentally retarded persons. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1248* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act protecting those individuals with mental disabilities..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 265 of the General Laws, is hereby amended by inserting after section 13F the following section:-

Section 13F1/2. Whoever commits a rape on a mentally retarded person knowing such person to be mentally retarded shall for the first offense be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years and for a second or subsequent offense by imprisonment in the state prisons for not less then 20 years. Except in the case of a conviction for the first offense for violation of this section, the imposition or execution of the sentence shall not be suspended, and no probation or parole shall be granted until the minimum imprisonment herein provided for the offense shall have been served. This section shall not apply to the commission of a rape by a mentally retarded person upon another mentally retarded person.