

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Karyn E. Polito**

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*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 bill:

An Act relative to the safety of the children in the commonwealth.

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PETITION OF:

NAME: \_\_\_\_\_ | DISTRICT/ADDRESS: \_\_\_\_\_

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE SAFETY OF THE CHILDREN IN THE COMMONWEALTH.

*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. Paragraph 1 of section 22A of chapter 265 of the General Laws, as appearing in the  
2 2006 Official Edition, most recently updated in the December 2008 Cumulative Pamphlet, is hereby  
3 amended by striking out the words:- “shall be punished by imprisonment in the state prison for life or  
4 for any term of years. A prosecution commenced under this section shall neither be continued without  
5 a finding not placed on file.” and inserting in place thereof the following words:- “shall be punished in  
6 the state prison for life or for any term of years not less than ten years; provided, however, that a  
7 prosecution commenced under the provisions of this section shall not be placed on file or continued  
8 without finding. The sentence imposed on such person shall not be reduced to less than ten years, nor  
9 suspended, not shall any person convicted under this subsection be eligible for probation, parole, work  
10 release, or furlough or receive any deduction from his sentence for good conduct until he shall have  
11 served ten years of such sentence. The provision of section 87 of chapter 276 relating to the power of  
12 the court to place certain offenders on probation shall not apply to any person charged with a violation  
13 of this section.”

14           SECTION 2. Section 23 of chapter 265 of the General Laws, as appearing in the 2006 Official  
15 Edition, most recently updated in the December 2008 Cumulative Pamphlet, is hereby amended by  
16 striking out the words:- “shall be punished by imprisonment in the state prison for life or for any term  
17 of years or, except as otherwise provided, for any term in a jail or house of correction. A prosecution  
18 commenced under this section shall neither be continued without a finding nor placed on file.” and  
19 inserting in place thereof the following words:- “shall be punished by imprisonment in the state prison,  
20 in a jail or house of correction for life or any term of years not less than five years; provided, however,  
21 that a prosecution commenced under the provisions of this section shall not be placed on file or  
22 continued without a finding. The sentence imposed on such person shall not be reduced to less than  
23 five years, not suspended, nor shall any person convicted under this subsection be eligible for probation,

24 parole, work release, or furlough or receive any deduction from his sentence for good conduct until he  
25 shall have served five years of such sentence. The provisions of section 87 of chapter 276 relating to the  
26 power of the court to place certain offenders on probation shall not apply to any person charged with a  
27 violation of this section.”

28           Section 3. Section 13B of chapter 265 of the General Laws, as appearing in the 2006 Official  
29 Edition, most recently updated in the December 2008 Cumulative Pamphlet, is hereby amended by  
30 striking out the words:- “shall be punished by imprisonment in the state prison for not more than 10  
31 years, or by imprisonment in the house of correction for not more than 2½ years. A prosecution  
32 commenced under this section shall neither be continued without a finding nor placed on file.” and  
33 inserting in place thereof the following words:- “shall be punished by imprisonment in the state prison,  
34 in a jail or house of correction for life or any term of years not less than five years; provided, however,  
35 that a prosecution commenced under the provisions of this section shall not be placed on file or  
36 continued without finding. The sentence imposed on such person shall not be reduced to less than five  
37 years, nor suspended, nor shall any person convicted under this subsection be eligible for probation,  
38 parole, work release, or furlough or receive any deduction from his sentence for good conduct until he  
39 shall have served five years of such sentence. The provisions of section 87 of chapter 276 relating to the  
40 power of the court to place certain offenders on probation shall not apply to any person charged with a  
41 violation of this section.”