

# HOUSE . . . . . No. 1537

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy for legislation to prohibit certain ritualistic actions. The Judiciary.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROHIBITING CERTAIN RITUALISTIC ACTIONS.

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

1 Chapter 265 of the General Laws is hereby amended by inserting  
2 after Section 43 the following three sections:—

3 Section 44. No person shall commit ritualistic mutilation, dis-  
4 memberment, or torture of a person as part of a ceremony, rite, initi-  
5 ation, observance, performance, or practice.

6 Any person who commits, attempts to commit or conspires with  
7 another to commit a violation of this section shall be punished by  
8 imprisonment in the state prison for life or for any term of years.

9 Section 45. No person shall commit ritualistic physical or psycho-  
10 logical abuse, including sexual abuse of a child or of a physically or  
11 mentally disabled adult as part of a ceremony, rite, initiation, obser-  
12 vance, performance, or practice.

13 Any person who commits, attempts to commit or conspires with  
14 another to commit a violation of this section shall be punished by  
15 imprisonment in the state prison for life or for any term of years.

16 Section 46. Whoever commits any of the following acts upon,  
17 with, or in the presence of a child age 18 or under shall be punished  
18 by imprisonment in the state prison for not more than ten years, or  
19 by imprisonment in a jail or house of correction for not more than  
20 two and one-half years, and whoever commits a second or subse-  
21 quent such offense shall be punished by imprisonment in the state  
22 prison for life or any term of years.

23 (a) Actually commits or simulates the killing of, or tortures, muti-  
24 lates or sacrifices any animal or human being.

25 (b) Forces the ingestion, injects or in any other way applies the  
26 use of a narcotic, drug, hallucinogen or anesthetic or mind altering  
27 substance for the purpose of dulling sensitivity, cognition, resistance,  
28 memory or to distort perception of any criminal or unlawful activity.

29 (c) In any way forces the ingestion of or external application of  
30 human or animal urine, feces, flesh, blood, body parts, body secre-  
31 tions, drugs or chemicals.

32 (d) Forces or entices the child to have sexual contact with another  
33 human or animal during a ritual ceremony, or rite or other related  
34 observance.

35 (e) Places a child in a coffin or grave.

36 (f) In any way threatens the child with death or serious harm to  
37 the child, the child's parents, family, friends or pets.

38 (g) Unlawfully dismembers, mutilates or incinerates a human  
39 corpse.

40 (h) Forces the child to be placed in areas in which the child will  
41 come close to or in contact with human body parts.

42 (i) Simulates the performance of surgery and placing imaginary  
43 foreign object within the child for the purpose of creating fear within  
44 a child.

45 (j) Forces a child to participate in any ceremony, observance,  
46 practice or rite, purporting to be a marriage to any deity or other  
47 person and following such ceremony, observance, practice or rite  
48 with sexual contact or torture.

49 No person serving a sentence for a second or subsequent such  
50 offense shall be eligible for furlough, temporary release, programs  
51 outside a correctional facility until such person shall have served  
52 three quarters of the total of all minimum sentences.

53 In prosecution under this section, it is not a defense that a child  
54 under the age of 18 will be deemed to have consented to the actions  
55 of the defendant.

56 The provisions of this section shall not apply to:—

57 (1) The lawful agricultural, animal husbandry, food preparation or  
58 wild game hunting and fishing practices and specifically the  
59 branding or identification of livestock,

60 (2) The lawful medical practice of circumcisions or any ceremony  
61 related thereto,

62 (3) Any state or federally approved, licensed or funded research  
63 project.