

HOUSE No. 4150

By Mr. Alicea of Charlton, petition of Geraldo Alicea and others for legislation to increase the penalties imposed for rape of mentally retarded persons. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Geraldo Alicea	F. Jay Barrows
Stephen L. DiNatale	Pam Richardson
Anne M. Gobi	Douglas W. Petersen
Denis E. Guyer	Denise Provost
Jennifer L. Flanagan	Benjamin B. Downing
Todd M. Smola	Richard T. Moore
Elizabeth A. Poirier	Dianne Wilkerson
Jeffrey Davis Perry	Pamela P. Resor
Barbara A. L'Italien	John D. Keenan
Christine E. Canavan	

In the Year Two Thousand and Seven.

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:

1 Chapter 265 of the General Laws, is hereby amended by inserting
2 after section 13F the following section:—
3 Section 13F½. Whoever commits a rape on a mentally retarded
4 person knowing such person to be mentally retarded shall for the
5 first offense be punished by imprisonment in the state prison for not
6 less than 10 years nor more than 20 years and for a second or subse-
7 quent offense by imprisonment in the state prisons for not less then
8 20 years. Except in the case of a conviction for the first offense for
9 violation of this section, the imposition or execution of the sentence
10 shall not be suspended, and no probation or parole shall be granted
11 until the minimum imprisonment herein provided for the offense
12 shall have been served. This section shall not apply to the commis-
13 sion of a rape by a mentally retarded person upon another mentally
14 retarded person.