

**HOUSE . . . . . No. 4284**

By Mr. Alicea of Charlton, petition of Geraldo Alicea and others for legislation to protect certain students and clients of public or private institutions from inappropriate sexual contact of employees. The Judiciary.

**The Commonwealth of Massachusetts**

PETITION OF:

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

In the Year Two Thousand and Seven.

AN ACT FOR PUBLIC PROTECTION OF OUR YOUTH.

*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 268 of the General laws is hereby amended by inserting  
2 after section 21 the following section:—  
3 Section 21A. Any person who is employed by a public or private  
4 school or institution of higher learning, the department of youth  
5 services, the department of social services, the department of mental  
6 health, the department of mental retardation or any private institu-  
7 tion providing services to clients of such departments and who in the  
8 course of such employment or contract with a pupil or client of such  
9 departments or institutions within or outside of any facility thereof  
10 or a pupil or client under the direct custodial supervision and control  
11 of such person or another person, a pupil or client shall be deemed  
12 incapable of consent to sexual relations with such person. For pur-  
13 poses of this section, sexual relations shall include intentional,

14 inappropriate contact of a sexual nature, including, but not limited to  
15 conduct prohibited by Section 22 or 24 of Chapter 265 or Section 2,  
16 3, 35 or 53A of Chapter 272.