

By Mr. Sisitsky, a petition (accompanied by bill, Senate, No. 1006) of Alan D. Sisitsky for legislation relative to the crime of rape and related offenses. Petition signed by: Newman Flanagan (District Attorney, Suffolk District), John J. Droney (District Attorney, Northern District), Stephen J. Karol, Philip A. Rollins (District Attorney Cape and Islands District), Joan M. Menard, Kevin M. Burke (District Attorney, Eastern Division), Barbara E. Gray, Deborah R. Cochran, John J. Conte (District Attorney, Middle District), William D. Delahunt (District Attorney, Norfolk District), Ronald A. Pina (District Attorney, Bristol District), Thomas G. Simons (District Attorney, Northwestern District), William C. O'Malley (District Attorney, Plymouth District), Salvatore DiMasi, Anthony Ruberto (District Attorney, Berkshire District), Michael C. Creedon and Sharon M. Pollard. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO THE CRIME OF RAPE AND RELATED OFFENSES.

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. Section 3 of chapter 258A of the General Laws,  
2 as appearing in Chapter 852 of the Acts of 1967, is hereby  
3 amended by striking out the second paragraph and inserting  
4 in place thereof the following paragraph: —

5 An offender or an accomplice of an offender or, except in  
6 cases of rape, a member of the family of the offender or a  
7 person maintaining sexual relations with the offender shall not  
8 be eligible to receive compensation with respect to a crime  
9 committed by the offender.

1 SECTION 2. Section 5 of said Chapter 258A is hereby amend-  
2 ed by inserting after the word "based" in paragraph one the  
3 following sentence: — In case of rape, out-of-pocket losses re-  
4 quiring compensation shall include medical, surgical, and hos-  
5 pital expenses; evidentiary examinations; counseling; emer-  
6 gency funds for housing; provided that no funds are to be  
7 expended for the termination of pregnancy.

1 SECTION 3. Said Section 5 of Chapter 258A is hereby fur-  
2 ther amended by inserting after the words "occurrence of such

3 crime," in paragraph two the following phrase: — except in  
4 case of rape.

1 SECTION 4. Chapter 265 of the General Laws, is hereby  
2 amended by inserting after section 13G the following section:

3 *Section 13H.* Whoever commits an indecent assault and bat-  
4 tery on a person shall be punished by imprisonment in the  
5 state prison for not more than five years or by imprisonment  
6 for not more than two and one-half years in a jail or house  
7 of correction.

1 SECTION 5. Said Chapter 265 is hereby further amended by  
2 striking out Section 22, as most recently amended by chapter  
3 474 of the Acts of 1974, and inserting in place thereof the  
4 following section: —

5 (A) Whoever has sexual intercourse or unnatural sexual  
6 intercourse with a person, and compels such person to submit  
7 by force and against his will, or compels such person to submit  
8 by threat of bodily injury, and either such sexual intercourse  
9 or unnatural sexual intercourse is committed in conjunction  
10 with the following felonies, kidnapping, breaking and entering,  
11 possession or assault and battery with a dangerous weapon,  
12 or robbery; or such sexual intercourse or unnatural sexual  
13 intercourse is committed in conjunction with acts producing  
14 serious bodily injury, or is accomplished with the aid or abet-  
15 ment of one or more other persons, shall be punished by im-  
16 prisonment in the state prison for life or for any term of years.

17 (B) Whoever has sexual intercourse or unnatural sexual  
18 intercourse with a person, and compels such person to submit  
19 by force and against his will, or compels such person to sub-  
20 mit by threat of bodily injury, shall be punished by imprison-  
21 ment in the state prison for not more than fifteen years.

22 For purposes of prosecution, the offense described in sub-  
23 section (b) shall be a lesser included offense to that described  
24 in subsection (a)

1 SECTION 6. Said Chapter 265 is hereby further amended by  
2 striking out Section 24, as most recently amended by Chapter  
3 474 of the Acts of 1974, and inserting in place thereof the fol-  
4 lowing section: —

5   Whoever assaults a person with intent to commit a rape  
6 shall be punished by imprisonment in the state prison for not  
7 more than ten years or by a fine of not more than one thou-  
8 sand dollars and imprisonment in a jail or house of correction  
9 for not more than two and one-half years.

1   SECTION 7. Section 39 of Chapter 277 of the General Laws,  
2 as most recently amended by Chapter 474 of the Acts of 1974,  
3 is hereby amended by striking out the definition of "Rape."

1   SECTION 8. Section 78 of Chapter 277 of the General Laws  
2 is hereby amended by striking out the form of indictment or  
3 complaint for "Rape".

