

By Ms. Gardner of Holliston, petition of Barbara Gardner, Mary Jane Gibson, Gloria L. Fox, Emile J. Goguen, Sally P. Kerans and another relative to the penalty for rape by caregivers of persons with disabilities. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO RAPE BY CAREGIVERS OF PERSONS WITH 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 is hereby amended by adding, after section 22A,
2 the following new section: —
3 Section 22B: Rape of person with disability by caregiver.
4 Whoever, being employed by the commonwealth or a private
5 agency which provides services to persons with disabilities, and
6 having responsibility as a caregiver for a patient, resident, or
7 student in a state facility, group home, school, institution, or any
8 other residential or day facility for persons with disabilities, either
9 mental, emotional, or physical, has sexual intercourse or
10 unnatural intercourse with a patient, resident, or student in such
11 state facility, group home, school, institution, or any other
12 residential or day facility, shall be punished by imprisonment in
13 the state prison for a term of not more than ten years or in a jail
14 or house of correction for not more than two and one-half years
15 or by a fine of not more than ten thousand dollars or by both.
16 Consent shall not be a defense to such sexual intercourse or
17 unnatural intercourse. The term "caregiver" refers to a person who
18 provides services to a person with a disability, and includes, but
19 is not limited to, the following: physician, nurse, social worker,
20 mental health worker, mental retardation worker, psychologist,
21 attendant, security officer, administrator, attorney, nurse's aide,
22 physician's assistant, teacher, medical intern, or dentist.

REPORT OF THE

COMMISSIONERS OF THE GENERAL LAND OFFICE

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES

PASSED MAY 15, 1890

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1891.

THE GENERAL LAND OFFICE

WASHINGTON, D. C.

1891

The following report of the Commissioners of the General Land Office in response to a resolution of the House of Representatives, passed May 15, 1890, is hereby published in accordance with the provisions of the said resolution.