

By Ms. Rivera of Springfield, petition of Cheryl A. Rivera relative to minimum mandatory sentencing for indecent assault and battery on children under fourteen years of age. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO MINIMUM MANDATORY SENTENCES FOR CERTAIN CRIMES.

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 13B of chapter 265 of the General Laws, as appearing
2 in the 1998 Official Edition, is hereby amended by striking out the
3 first paragraph and inserting in place thereof the following:—

4 Whoever commits an indecent assault and battery on a child
5 under the age of fourteen where the touching is over the clothes
6 shall be punished by imprisonment in the state prison for not more
7 than ten years, or for not less than one year nor more than two and
8 one-half years in a jail or house of correction; provided however
9 that where the touching is on the epidermis, the punishment shall
10 be by imprisonment in the state prison for not more than ten years,
11 or for not less than two years in a jail or house of correction; and
12 whoever commits a second or subsequent such offense shall be
13 punished by imprisonment in the state prison for life or any term
14 of years. A prosecution commenced under the provisions of this
15 section shall not be placed on file or continued without a finding.

16 The sentence imposed on such person shall not be reduced nor
17 suspended, nor shall any person convicted under this subsection
18 be eligible for probation, parole, work release, or furlough or
19 receive any deduction from his sentence for good conduct until
20 the minimum imprisonment herein provided for the offense shall
21 have been served. However, the commissioner of correction may,
22 on the recommendation of the warden, superintendent, or other

23 person in charge of a correctional institution, grant to an offender
24 committed under this subsection a temporary release in the cus-
25 tody of an officer of such institution for the following purposes
26 only: to attend the funeral of next of kin or spouse; to visit a criti-
27 cally ill close relative or spouse; or to obtain emergency medical
28 or psychiatric services unavailable at said institution.