

**HOUSE . . . . . No. 4647**

---

---

*The Commonwealth of Massachusetts*

---

HOUSE OF REPRESENTATIVES, June 26, 1997.

The committee on Criminal Justice, to whom were referred the petition (accompanied by bill, House, No. 1652) of Robert F. Fennell, other members of the General Court and others relative to the penalty for drug-induced date rape and kidnapping, and the petition (accompanied by bill, House, No. 4560) of Kathleen M. Teahan relative to the classification of certain controlled substances, reports recommending that the accompanying bill (House, No. 4647) ought to pass.

For the committee,

A. STEPHEN TOBIN.

## The Commonwealth of Massachusetts

---

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

---

### AN ACT RELATIVE TO THE PREVENTION OF DRUG-INDUCED RAPE AND KIDNAPPING.

*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. Paragraph (a) of Class A of Section 31 of  
2 Chapter 94C of the General Laws, as appearing in the 1994  
3 Official Edition, is hereby amended by striking out clauses (24)  
4 to (42), inclusive, and inserting in place thereof the following  
5 twenty-one clauses:—
- 6 (24) Flunitrazepam
  - 7 (25) Furethidine
  - 8 (26) Gamma Hydroxy Butyric Acid
  - 9 (27) Hydroxypethidine
  - 10 (28) Ketobemidone
  - 11 (29) Levomoromide
  - 12 (30) Levophenacymorphan
  - 13 (31) Morpheridine
  - 14 (32) Noracymethadol
  - 15 (33) Norlevorphanol
  - 16 (34) Normethadone
  - 17 (35) Norpipanone
  - 18 (36) Phenadoxone
  - 19 (37) Phenampromide
  - 20 (38) Phenomorphan
  - 21 (39) Phenoperidine
  - 22 (40) Piritramide
  - 23 (41) Proheptazine
  - 24 (42 ) Properidine
  - 25 (43) Racemoramide
  - 26 (44) Trimeperidine

1 SECTION 2. Chapter 265 of the General Laws is hereby  
2 amended by inserting after section 26A the following section:—

3 Section 26B. Whoever applies, administers to or causes to be  
4 taken by a person any drug, matter or thing with intent to stupefy  
5 or overpower such person so as to, without lawful authority  
6 forcibly or secretly confine or imprison another person within the  
7 Commonwealth against his will or to forcibly carry or send such  
8 person out of the Commonwealth, or to forcibly seize and confine  
9 or inveigle or kidnap such person with intent to cause him to be  
10 secretly confined or imprisoned in this Commonwealth against his  
11 will, or to cause him to be sent out of this Commonwealth against  
12 his will or in any way held to service against his will, shall be  
13 punished by imprisonment in the state prison for not more than 10  
14 years or by a fine of not more than one thousand dollars and  
15 imprisonment in jail for not more than two years. The provisions  
16 of the preceding sentence shall not apply to the parent of a child  
17 under eighteen years of age who takes custody of such child.  
18 Whoever commits any offense described in this section with the  
19 intent to extort money or other valuable thing thereby shall be  
20 punished by imprisonment in the state prison for life or for any  
21 term of years.

1 SECTION 3. Chapter 272 of the General Laws is hereby  
2 amended by striking out sections 3 and 4, as appearing in the 1994  
3 Official Edition, and inserting in place thereof the following  
4 two sections:—

5 Section 3. Whoever applies, administers to or causes to be  
6 taken by a person any drug, matter or thing with intent to stupefy  
7 or overpower such person so as to thereby enable any person to  
8 have sexual intercourse or unnatural sexual intercourse with such  
9 person shall be punished by imprisonment in the state prison for  
10 not more than twenty years.

11 Section 4. Whoever induces any person under eighteen of  
12 chaste life to have unlawful sexual intercourse shall be punished  
13 by imprisonment in the state prison for not more than three years  
14 or in jail or the house of correction for not more than two and one-  
15 half years or by a fine of not more than one thousand dollars or by  
16 both such fine and imprisonment in jail or the house of correction.

1 SECTION 4. Section 11 of said chapter 272, as so appearing, is  
2 hereby amended by striking out the words "to six inclusive", in  
3 lines 1 and 2, and inserting in place thereof the following  
4 words:— four and six.