

HOUSE No. 1589

By Mr. Eugene L. O'Flaherty of Chelsea, a petition (accompanied by bill, House, No. 1589) of Eugene L. O'Flaherty relative to technical corrections to the law further protecting children, The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to technical corrections regarding the further protection of children.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN ACT RELATIVE TO TECHNICAL CORRECTIONS REGARDING THE FURTHER
PROTECTION OF CHILDREN.**

*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 178C of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting after the words "13B of chapter 265:", in lines 56, 87 and 106, the following words:-
3 aggravated indecent assault and battery on a child under the age of 14 under section 13B½ of said chapter 265; a
4 repeat offense under section 13B¾ of said chapter 265;

5

6 **SECTION 2.** Said section 178C of said chapter 6 is hereby further amended by inserting after the words "22A of
7 said chapter 265:", in lines 60, 88 and 109, the following words:- aggravated rape of a child under 16 with force
8 under section 22B of said chapter 265; a repeat offense under section 22C of said chapter 265;

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10 **SECTION 3.** Said section 178C of said chapter 6 is hereby further amended by inserting after the words "23 of said
11 chapter 265:", in lines 61 and 89, the following words:- aggravated rape and abuse of a child under section 23A of
12 said chapter 265; a repeat offense under section 23B of said chapter 265;

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14 **SECTION 4.** Section 178H of said chapter 6 is hereby amended by inserting after the word "13B", in line 12, the
15 following words:- 13B½, 13B¾,

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17 **SECTION 5.** Said section 178H of said chapter 6 is hereby further amended by inserting after the word "22A.", in
18 line 12, the following words:- 22B, 22C,

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- 20 **SECTION 6.** Said section 178H of said chapter 6 is hereby further amended by inserting after the word "23," in
21 line 12, the following words:- 23A, 23B,
22
- 23 **SECTION 7.** Section 1 of chapter 9A of the General Laws, as so appearing, is hereby amended by inserting after
24 the word "22A," in line 16, the following words:- 22B, 22C,
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- 26 **SECTION 8.** Said section 1 of said chapter 9A is hereby further amended by inserting after the word "23," in line
27 16, the following words:- 23A, 23B,
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- 29 **SECTION 9.** Said section 1 of said chapter 9A is hereby further amended by inserting after the word "13B," in
30 line 18, the following words:- 13B½, 13B¾,
31
- 32 **SECTION 10.** Section 37 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting
33 after the word "thirteen B", in line 6, the following words:- thirteen B½, thirteen B¾,
34
- 35 **SECTION 11.** Section 72K of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting
36 after the word "13B," in line 13, the following words:- 13B½, 13B¾,
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- 38 **SECTION 12.** Said section 72K of said chapter 111 is hereby further amended by inserting after the word "22A,"
39 in line 13, the following words:- "22B, 22C, 23, 23A, 23B,"
40
- 41 **SECTION 13.** Section 51B of chapter 119 of the General Laws, as amended by section 98 of chapter 176 of the
42 acts of 2008, is hereby further amended by striking out the words "section 13B, 13H, 22, 22A, 23, 24 or 24B of
43 chapter 265", in subsection (k)(2), and inserting in place thereof the following words:- section 13B, 13B½, 13B¾,
44 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B of chapter 265
45
- 46 **SECTION 14.** Section 55B of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby
47 amended by inserting after the word "13B," in line 16, the following words:- 13B½, 13B¾,
48,
- 49 **SECTION 15.** Said section 55B of said chapter 119 is hereby further amended by inserting after the word "22A,"
50 in line 16, the following words:- 22B, 22C,
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- 52 **SECTION 16.** Said section 55B of said chapter 119 is hereby further amended by inserting after the word "23," in
53 line 16, the following words:- 23A, 23B,

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55 **SECTION 17.** Section 58 of said chapter 119 is hereby amended by inserting after the word "13B," in line 12,
56 the following words:- 13B½, 13B¾.

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58 **SECTION 18.** Said section 58 of said chapter 119 is hereby further amended by inserting after the word "22A", in
59 line 12, the following words:- " , 22B, 22C,"

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61 **SECTION 19.** Said section 58 of said chapter 119 is hereby further amended by striking out the words "or section
62 23", in lines 12 and 13, and inserting in its place the following words:- 23, 23A, or 23B

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64 **SECTION 20.** Section 12 of chapter 120 of the General Laws, as so appearing, is hereby amended by inserting
65 after the words "thirteen B of said chapter two hundred and sixty-five;", in line 12, the following words:- or
66 aggravated indecent assault and battery on a child under the age of fourteen, as defined by section thirteen B½ of
67 said chapter two hundred and sixty-five; or a repeat offense, as defined by section thirteen B¾ of said chapter two
68 hundred and sixty-five;

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70 **SECTION 21.** Said section 12 of said chapter 120 is hereby further amended by inserting after the words "twenty-
71 two A of said chapter two hundred and sixty-five;", in line 8, the following words:- or aggravated rape of a child
72 under 16 with force, as defined by section twenty-two B of said chapter two hundred and sixty-five; or a repeat
73 offense, as defined by section twenty-two C of said chapter two hundred and sixty-five;

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75 **SECTION 22.** Said section 12 of said chapter 120 is hereby further amended by inserting after the words "twenty-
76 five of said chapter two hundred and sixty-five;", in line 10, the following words:- or aggravated rape and abuse of a
77 child, as defined in section twenty-three A of said chapter two hundred and sixty-five; or a repeat offense, as defined
78 by section twenty-three B of said chapter two hundred and sixty-five;

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80 **SECTION 23.** Section 1 of chapter 123A of the General Laws, as so appearing, is hereby amended by inserting
81 after the words "thirteen B of chapter two hundred and sixty-five;", in line 39, the following words:- aggravated
82 indecent assault and battery on a child under the age of fourteen under the provisions of section thirteen B½ of
83 chapter two hundred and sixty-five; a repeat offense under the provisions of section thirteen B¾ of chapter two
84 hundred and sixty-five;

85

86 **SECTION 24.** Said section 1 of said chapter 123A is hereby further amended by inserting after the words "twenty-
87 two A of chapter two hundred and sixty-five;", in line 46, the following words:- aggravated rape of a child under
88 sixteen with force under the provisions of section twenty-two B of chapter two hundred and sixty-five; a repeat
89 offense under the provisions of section twenty-two C of chapter two hundred and sixty-five;

90

91 **SECTION 25.** Said section 1 of said chapter 123A is hereby further amended by inserting after the words "twenty-
92 three of chapter two hundred and sixty-five;", in lines 47 and 48, the following words:- aggravated rape and abuse of
93 a child under the provisions of section twenty-three A of chapter two hundred and sixty-five; a repeat offense under
94 the provisions of section twenty-three B of chapter two hundred and sixty-five;

95

96 **SECTION 26.** Said section 1 of said chapter 123A is hereby further amended by inserting after the word "13B.", in
97 line 52, the following words:- 13B½, 13B¾,

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99 **SECTION 27.** Said section 1 of said chapter 123A is hereby further amended by inserting after the word "22A.", in
100 line 53, the following words:- 22B, 22C,

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102 **SECTION 28.** Said section 1 of said chapter 123A is hereby further amended by inserting after the word "23.", in
103 line 53, the following words:- 23A, 23B,

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105 **SECTION 29.** Section 49B of chapter 127 of the General Laws, as so appearing, is hereby amended by inserting
106 after the word "thirteen B.", in lines 24 and 25, the following words:- thirteen B½ , thirteen B¾,

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108 **SECTION 30.** Said section 49B of said chapter 127 is hereby further amended by inserting after the word "twenty-
109 two A.", in line 25, the following words:- twenty-two B, twenty-two C,

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111 **SECTION 31.** Said section 49B of said chapter 127 is hereby further amended by inserting after the word "twenty-
112 three.", in line 25, the following words:- twenty-three A, twenty-three B,

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114 **SECTION 32.** Section 49C of said chapter 127 is hereby amended by inserting after the word "thirteen B.", in lines
115 21 and 22, the following words:- thirteen B½, thirteen B¾ ,

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117 **SECTION 33.** Said section 49C of said chapter 127 is hereby further amended by inserting after the word "twenty-
118 two A.", in line 22, the following words:- twenty-two B, twenty-two C,

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120 **SECTION 34.** Said section 49C of said chapter 127 is hereby amended by inserting after the word "twenty-three.",
121 in line 22, the following words:- twenty-three A, twenty-three B,

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123 **SECTION 35.** Section 83B of said said chapter 127 is hereby amended by inserting after the word "twenty-two.",
124 in line 7, the following words:- twenty-two A, twenty-two B, twenty-two C,

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126 **SECTION 36.** Said section 83B of said chapter 127 is hereby further amended by inserting after the word "twenty-
127 three", in line 7, the following words:- twenty-three A, twenty-three B,

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129 **SECTION 37.** Section 90A of said chapter 127 is hereby amended by inserting after the word "thirteen B.", in line
130 9, the following words:- thirteen B $\frac{1}{2}$, thirteen B $\frac{3}{4}$,

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132 **SECTION 38.** Said section 90A of said chapter 127 is hereby further amended by inserting after the word "twenty-
133 two A.", in lines 10 and 11, the following words:- twenty-two B, twenty-two C,

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135 **SECTION 39.** Said section 90A of said chapter 127 is hereby further amended by inserting after the word "twenty-
136 three.", in line 11, the following words:- twenty-three A, twenty-three B,

137

138 **SECTION 40.** Section 133E of said chapter 127 is hereby amended by inserting after the words "section 13B of
139 chapter 265:", in line 11, the following words:- aggravated indecent assault and battery on a child under 14 under
140 section 13B $\frac{1}{2}$ of said chapter 265; a repeat offense under section 13B $\frac{3}{4}$ of said chapter 265;

141

142 **SECTION 41.** Said section 133E of said chapter 127 is hereby further amended by inserting after the words
143 "section 22A of said chapter 265:", in line 15, the following words:- aggravated rape of a child under 16 with force
144 under section 22B of said chapter 265; a repeat offense pursuant to section 22C of said chapter 265;

145

146 **SECTION 42.** Said section 133E of said chapter 127 is hereby further amended by inserting after the words
147 "section 23 of chapter 265:", in line 16, the following words:- aggravated rape and abuse of a child under section
148 23A of said chapter 265; a repeat offense pursuant to section 23B of said chapter 265;

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150 **SECTION 43.** Section 152 of said chapter 127 is hereby amended by inserting after the word "thirteen B.", in line
151 39, the following words:- thirteen B $\frac{1}{2}$, thirteen B $\frac{3}{4}$,

152

153 **SECTION 44.** Said section 152 of said chapter 127 is hereby further amended by inserting after the word "twenty-
154 two A.", in lines 41 and 42, the following words:- twenty-two B, twenty-two C,

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156 **SECTION 45.** Said section 152 of said chapter 127 is hereby further amended by inserting after the word "twenty-
157 three.", in line 42, the following words:- twenty-three A, twenty-three B,

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- 159 **SECTION 46.** Section 21B of chapter 233 of the General Laws, as so appearing, is hereby amended by inserting
160 after the word "thirteen B," in lines 3 and 4, the following words:- thirteen B $\frac{1}{2}$, thirteen B $\frac{3}{4}$,
- 161
- 162 **SECTION 47.** Said section 21B of said chapter 233 is hereby further amended by inserting after the word "twenty-
163 two A," in line 4, the following words:- twenty-two B, twenty-two C,
- 164
- 165 **SECTION 48.** Said section 21B of said chapter 233 is hereby further amended by inserting after the word "twenty-
166 three," in line 4, the following words:- twenty-three A, twenty-three B,
- 167
- 168 **SECTION 49.** Section 4C of chapter 260 of the General Laws, as so appearing, is hereby amended by inserting
169 after the word "thirteen B," in line 10, the following words:- thirteen B $\frac{1}{2}$, thirteen B $\frac{3}{4}$,
- 170
- 171 **SECTION 50.** Said section 4C of said chapter 260 is hereby further amended by inserting after the word "twenty-
172 two A," in line 11, the following words:- twenty-two B, twenty-two C,
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- 174 **SECTION 51.** Said section 4C of said chapter 260 is hereby further amended by inserting after the word "twenty-
175 three," in line 11, the following words:- twenty-three A, twenty-three B,
- 176
- 177 **SECTION 52.** Section 13L of chapter 265 of the General Laws, as so appearing, is hereby amended by inserting
178 after the words "section 13B of chapter 265;" in line 8, the following words:- aggravated indecent assault and
179 battery on a child under 14 under section 13B $\frac{1}{2}$ of said chapter 265; a repeat offense pursuant to section 13B $\frac{3}{4}$ of
180 said chapter 265;
- 181
- 182 **SECTION 53.** Said section 13L of said chapter 265 is hereby further amended by inserting after the words "section
183 22A of said chapter 265;" in lines 10 and 11, the following words:- aggravated rape of a child under 16 with force
184 under section 22B of said chapter 265; a repeat offense pursuant to section 22C of said chapter 265;
- 185
- 186 **SECTION 54.** Said section 13L of said chapter 265 is hereby further amended by inserting after the words "section
187 23 of chapter 265;" in lines 11 and 12, the following words:- aggravated rape and abuse of a child under section
188 23A of said chapter 265; a repeat offense pursuant to section 23B of said chapter 265;
- 189
- 190 **SECTION 55.** Section 24A of said chapter 265 is hereby amended by inserting after the words "thirteen B," in line
191 2, the following words:- thirteen B $\frac{1}{2}$, thirteen B $\frac{3}{4}$,
- 192

- 193 **SECTION 56.** Said section 24A of said chapter 265 is hereby further amended by inserting after the words
194 "twenty-two A.", in line 3, the following words:- twenty-two B, twenty-two C.
- 195
- 196 **SECTION 57.** Said section 24A of said chapter 265 is hereby further amended by inserting after the words
197 "twenty-three.", in line 3, the following words:- twenty-three A, twenty-three B.
- 198
- 199 **SECTION 58.** Section 24C of said chapter 265 is hereby amended by inserting after the word "thirteen B.", in line
200 4, the following words:- thirteen B½, thirteen B¾.
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- 202 **SECTION 59.** Said section 24C of said chapter 265 is hereby further amended by inserting after the word "twenty-
203 two A.", in line 5, the following words:- twenty-two B, twenty-two C.
- 204
- 205 **SECTION 60.** Said section 24C of said chapter 265 is hereby further amended by inserting after the word "twenty-
206 three.", in line 5, the following words:- twenty-three A, twenty-three B.
- 207
- 208 **SECTION 61.** Section 26 of said chapter 265 is hereby amended by striking out the words "13B, 13F, 13H, 22,
209 22A, 23, 24 or 24B", in lines 33 and 34, and inserting in place thereof the following words:- 13B, 13B½, 13B¾,
210 13F, 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B
- 211
- 212 **SECTION 62.** Section 26C of said chapter 265 is hereby amended by inserting after the word "13B.", in line 6, the
213 following words:- 13B½, 13B¾.
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- 215 **SECTION 63.** Said section 26C of said chapter 265 is hereby further amended by inserting after the word "22A.",
216 in line 6, the following words:- 22B, 22C.
- 217
- 218 **SECTION 64.** Said section 26C of said chapter 265 is hereby further amended by inserting after the word "23.", in
219 line 6, the following words:- 23A, 23B.
- 220
- 221 **SECTION 65.** Section 45 of said chapter 265 is hereby amended by striking out the words "13B, 13F, 13H, 22,
222 22A, 23, 24, 24B or 26", in line 21, and inserting in place thereof the following words:- 13B, 13B½, 13B¾, 13F,
223 13H, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 24B or 26
- 224
- 225 **SECTION 66.** Section 87 of chapter 276 of the General Laws, as so appearing, is hereby amended by inserting
226 after the word "twenty-two A", in line 10, the following words:- , twenty-two B, twenty-two C

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228 **SECTION 67.** Section 63 of chapter 277 of the General Laws, as so appearing, is hereby amended by inserting
229 after the word "13B," in line 3, the following words:- 13B½, 13B¾.

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231 **SECTION 68.** Said section 63 of said chapter 277 is hereby further amended by inserting after the word "22A," in
232 line 3, the following words:- 22B, 22C.

233

234 **SECTION 69.** Said section 63 of said chapter 277 is hereby further amended by inserting after the word "23," in
235 line 3, the following words:- 23A, 23B.

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237 **SECTION 70.** Section 70C of said chapter 277 is hereby amended by inserting after the word "13B," in line 9, the
238 following words:- 13B½, 13B¾.

239

240 **SECTION 71.** Said section 70C of said chapter 277 is hereby further amended by striking out word "23," in line
241 10, and inserting in place thereof the following words:- 22A, 22B, 22C, 23, 23A, 23B.

242

243 **SECTION 72.** Section 16D of chapter 278 of the General Laws, as so appearing, is hereby amended by inserting
244 after the word "thirteen B," in line 5, the following words:- thirteen B½, thirteen B¾.

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246 **SECTION 73.** Said section 16D of said chapter 278 is hereby further amended by inserting after the word "twenty-
247 two A," in lines 5 and 6, the following words:- twenty-two B, twenty-two C.

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249 **SECTION 74.** Said section 16D of said chapter 278 is hereby further amended by inserting after the word "twenty-
250 three," in line 6, the following words:- twenty-three A, twenty-three B.

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