1. Child Sexual Abuse Prevention Education in Schools and YSOs

**S314** - An Act stopping harm inflicted by exploitation of life and development - aka SHIELD Act

**Presenter:** Senator Joan Lovely  
**Status:** heard 11/13/23 by the Committee on Education; reported out of committee 2/5/24 and referred to the Senate Committee on Ways and Means

**Description:** Requires all mandated reporters employed by schools and YSOs to receive biennial training on child sexual abuse prevention, identification and reporting. Requires schools and YSOs to adopt an abuse prevention policy/code of conduct, set forth by DESE.

**Link:** [https://malegislature.gov/Bills/193/S314](https://malegislature.gov/Bills/193/S314)

**H194** - An Act relative to the prevention of child sexual abuse in schools & youth organizations

**Filer:** Representative John Lawn  
**Status:** Committee on Children, Families and Persons with Disabilities, heard 10/23/23; referred to the House Committee on Ways and Means 2/10/24

**Description:** Companion bill to S314 described above.

**Link:** [https://malegislature.gov/Bills/193/H194](https://malegislature.gov/Bills/193/H194)

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2. Screening for School Applicants

**S1040** - An Act relative to enhancing hiring practices to prevent sexual abuse

**Presenter:** Senator Joan Lovely  
**Status:** Committee on the Judiciary, heard 9/12/23; no action taken.

**Description:** Requires school to screen employees through:

- Adoption of a standardized hiring application with questions to be answered by prospective employees regarding the disclosure of any prior history of sexual abuse or misconduct;
- Contacting the applicant’s current and former school employers if the person was in a position directly involved with children to get relevant information about their history of sexual abuse or misconduct;

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• A written authorization to be signed by the applicant allowing the current employer and previous employer to share employment information, and releasing those employers from liability for providing the information;
• Protections from civil and criminal liabilities for schools that share information about an employee’s misconduct;
• Prohibition from entering into confidentiality agreements with an employee if intended to suppress information about that employee’s misconduct
• Prohibits a school employee from assisting an employee that he/she knows or has probable cause to believe has committed sexual misconduct against a minor or student in violation of the law from obtaining another position in a school

Link: [https://malegislature.gov/Bills/193/S1040](https://malegislature.gov/Bills/193/S1040)

**H434** - An Act establishing employee screening requirements in schools to prevent sexual abuse
**Presenter:** Rep. Natalie Blais  **Status:** Committee on Education, heard 11/13/23; no action yet taken
**Description:** Companion Bill to S1040 above.  **Link:** [https://malegislature.gov/Bills/193/H434](https://malegislature.gov/Bills/193/H434)

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3. Sexual Misconduct by Educators & Persons in Positions of Authority – Age of Consent No Defense:

**S106** - An Act relative to preventing sexual abuse of children and youth by adults in positions of authority or trust
**Presenter:** Senator Joan Lovely  **Status:** Committee on Children and Families, heard 10/23/23; no action yet taken
**Description:** A person under 19 or 22 if special needs who is a student at the school cannot consent to sexual relations with an employee or contractor over age 21 who works at that school or department. The student shall have a **civil** cause of action against the adult.  **Link:** [https://malegislature.gov/Bills/193/S106](https://malegislature.gov/Bills/193/S106)

**S1036** - An Act relative to sexual assaults by adults in positions of authority or trust
**Presenter:** Senator Joan Lovely  **Status:** Committee on the Judiciary, heard 9/12/23; no action taken.
**Description:** Imposes prison sentence on any adult in a position of authority, trust or supervision over a child under 18 who commits indecent assault or battery against the child, and states that the child shall be deemed incapable of consenting to any of the acts being prosecuted. Position of authority is defined as ““position of trust, authority or supervision over a child’” and includes various categories of persons who “because of that person’s familial relationship, profession, employment, vocation, avocation or volunteer service has regular direct contact with a child or children.”  **Link:** [https://malegislature.gov/Bills/193/S1036](https://malegislature.gov/Bills/193/S1036)
H1537 - An Act relative to the age of consent in certain criminal prosecutions and civil actions for sexual assault and rape of a child
Filer: Rep. Ken Gordon     Status: Committee on the Judiciary, heard 9/12/23; On 2/5/24, reporting date extended to Tuesday April 30, 2024, pending concurrence
Description: Age of consent not a defense - deals with college; victims 19 or under who haven’t received High School diploma and are enrolled at a college cannot consent to sex with adult employed by college. Link: https://malegislature.gov/Bills/193/H1537

H1538 - An Act relative to preventing educator sexual misconduct and abuse of children/youth
Presenter: Rep. Ken Gordon     Status: Committee on the Judiciary, heard 9/12/23; On 2/5/24, reporting date extended to Tuesday April 30, 2024, pending concurrence
Description: age of consent not a defense - deals with high schools; victims 19 or under who haven’t received HS diploma and are enrolled at the school cannot consent to sex with adult employed by the school. In a civil or criminal case, the victim’s age and consent cannot be used as a defense. Link: https://malegislature.gov/Bills/193/H1538

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4. Statute of Limitations
S1038 - An Act eliminating the statute of limitation in civil child sexual abuse cases
S1039 - An Act amending the statute of limitations regarding criminal prosecutions for the crimes of sexual assault and rape of a child
Presenter: Senator Joan Lovely     Status: Committee on the Judiciary, heard 9/12/23; no action yet taken

H1614 - An act eliminating statute of limitations in civil child sexual abuse cases
Presenter: Rep. John Lawn     Status: Committee on the Judiciary, heard 9/12/23; On 2/5/24, reporting date extended to Tuesday April 30, 2024, pending concurrence

H1536 - An Act related to the statute of limitations relating to civil rights actions and criminal prosecutions for the sexual assault and rape of a child
Presenter: Rep. Ken Gordon     Status: Committee on the Judiciary, heard 9/12/23; On 2/5/24, reporting date extended to Tuesday April 30, 2024, pending concurrence

S313 - An Act supporting survivors of child sexual abuse
Presenter: Sen. Joan Lovely     Status: Joint Committee on the Judiciary, heard 12/19/23; no action yet taken
Link: https://malegislature.gov/Bills/193/S313
Description: This bill allows an expansion of the SOL on child sexual abuse by stating that a mental health professional can certify that the survivor recently made the connection between the abuse and the harm caused to them, so they can bring an action within three years of making the connection, rather than the date the abuse occurred.

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5. Online Child Sexual Exploitation

**H.4241** – An Act to Prevent Abuse and Exploitation

Presenter: Sen. John Keenan and Sen. John Velis  Status: Passed the House 1/10/24, Passed the Senate 3/21/2024, awaiting Governor’s Signature!

Link:  [https://malegislature.gov/Bills/193/H4241/BillHistory](https://malegislature.gov/Bills/193/H4241/BillHistory)

Description: This bill updates the definition of “abuse” in Sec. 209A (sexual and domestic violence) to include coercive control. This bill also outlaws “revenge porn”, where adults share nude images of other adults without their consent. As it relates to youth, this bill would establish an educational diversion program on the legal and non-legal consequences of sexting to educate youth charged with disseminating, producing or possessing child sexual abuse material (CSAM), as an alternative to prosecution under Sec. 29A, B, and C.

Bill Pending:

To address the exponentially growing problem of online CSAM, MassKids is currently working with Massachusetts legislators, the National Center for Missing and Exploited Children (NCMEC), and parents of children who have been exploited online to draft a bill that would prosecute persons for developing and sharing sexually explicit images of children that are edited, collaged, morphed or AI-generated. Representative Natalie Blais will introduce the bill soon.

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6. Charitable Immunity

**S916** - An Act relative to governmental and charitable tort liability

Presenter: Senator William Brownsberger  Status: Committee on the Judiciary

Description: All claims of sexual abuse of a minor, as defined n section 4C of chapter 290, shall not be subject to a $100,000 limitation on damages

Link:  [https://malegislature.gov/Bills/193/S916](https://malegislature.gov/Bills/193/S916)

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