

GOVERNOR PATRICK SIGNS BILL TO STRENGTHEN CHILD PROTECTION LAWS

New law closes loophole, bans dissemination of obscene materials to minors via electronic communications

BOSTON - April 13, 2010 - Governor Deval Patrick has signed legislation to include instant and text messages, email and other electronic communications in the existing law that prohibits sending obscene and harmful materials to minors. The bill, a version of which Governor Patrick filed in February, addresses a loophole in the current statutory scheme which covered only handwritten, printed, recorded or live performances and restricted photographs, magazines, movies and handwritten or printed materials. "This law addresses an obvious gap in current statute and helps us to better protect our young people," said Governor Patrick. "I thank the Legislature for their quick action on this commonsense measure."

"I am proud that the legislature and administration took action to ban the sending of profane electronic messages to minors and prohibit the assault and battery of correctional officers with a bodily fluid," House Speaker Robert A. DeLeo said. "This legislation will update our laws to protect our young people from dangerous, violating situations and give needed protection to the hardworking people in our houses of correction who work to ensure our security and the rehabilitation of our inmates."

The law responds to a recent decision by the Massachusetts Supreme Judicial Court which found that existing state laws do not prohibit the transmittal of

sexualized messages to minors via email and text messages. Individuals found in violation of this law are subject to up to five years incarceration or a fine of between \$1000-10,000 for a first offense, \$5,000-\$20,000 for a second offense, and \$10,000-30,000 for a third and subsequent offenses.

The measure also strengthens current law to protect employees of correctional facilities in the Commonwealth from assaults by inmates. Any inmate who commits an assault and battery with bodily fluids on an officer or other employee of a correctional facility will face an additional period of incarceration. The statute provides for two and a half years in the house of correction or 10 years in state prison. It also allows correctional officers who have been assaulted to file complaints against inmates directly with the courts, instead of seeking an indictment.

"Today, in one piece of legislation, we are protecting our Corrections Officers from horrible attacks and our children from predators over the internet and texting," said Senator Jim Timilty, Senate Chair, Joint Committee on Public Safety Homeland Security.

"This bill will help protect the men and women who work in our correctional facilities. It sends a strong message to incarcerated individuals that assaulting a correctional officer, regardless of the method, will not be tolerated," said Representative Michael A. Costello, House Chair, Joint Committee on Public Safety and Homeland Security.