



Citizens  
for  
Juvenile  
Justice

Advocating for a fair and effective juvenile  
justice system in Massachusetts

## LEGISLATIVE ALERT

### H 445: AN ACT RELATIVE TO THE PROTECTION OF CHILDREN

Sponsor: Representative Kay Khan

**What the bill does:** Changes the current statutory rape law (which now criminalizes *all* consensual sexual acts with youth under 16) to protect youth from criminal prosecution for engaging in consensual sexual acts with peers.

**What the bill does *not* do:** It does not change the laws that criminalize all non-consensual sexual activity or consensual activity with a significantly older individual.

**Why the current statutory rape law needs to be amended:**

- 1. 47 other states already have some form of “Romeo and Juliet” exception to their statutory rape law.** Most states have a sensible and limited exception for consensual peer relationships.
- 2. The current law criminalizes common teen behavior.** 46% of Massachusetts’ high school students report having had sexual intercourse.
- 3. It also undermines good public health policy.** The current statutory rape law discourages youth from asking adults for guidance about sexual behavior because many trusted adults – doctors, nurses and guidance counselors – are obligated to report such behavior as abuse to the Department of Children and Families. As a result, youth are less likely to obtain information about such important subjects as contraception, STDs and pregnancy.
- 4. The consequences of a statutory rape conviction are inappropriately harsh in cases of consensual sexual activity between peers.** The current statute provides for a sentence of “any term of years” in prison, including life. Furthermore, a conviction may require registration as a sex offender, limiting the ability to obtain a job and housing. It also creates a host of troubling consequences for youth who study or work in other states.
- 5. The current statutory rape law is used in a selective and arbitrary fashion.** Prosecutions of consensual sexual activity between peers are often driven by parental pressure or other outside forces rather than public safety concerns. Although the law applies equally to both genders, it is used almost exclusively to prosecute males (even when both youth are under the age of consent).