



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

WILLIAM M. STRAUS
REPRESENTATIVE
10th BRISTOL DISTRICT

DISTRICT OFFICE
Tel: (508) 992-1260

E-mail: Rep.WilliamStraus@hou.state.ma.us
Rep.Straus@verizon.net

Committee:

Environment, Natural Resources & Agriculture
Chairman

ROOM 473F, STATE HOUSE
Tel. (617) 722-2210

--MEDIA ADVISORY--

For Immediate Release
February 10, 2010

**REP. WILLIAM STRAUS, ATTORNEY GENERAL MARTHA COAKLEY TEAM WITH CHAIRMAN
O'FLAHERTY AND OTHER LEGISLATORS TO SPONSOR BILL TO PROTECT CHILDREN FROM
ONLINE PREDATORS**

Bill adds electronic communications to definition of harmful material

BOSTON – On Tuesday, February 9, 2010, Representative William Straus (D-Mattapoisett) joined Massachusetts Attorney General Martha Coakley, House Judiciary Chairman Eugene L. O'Flaherty (D-Chelsea) and 50 other legislators to file *An Act Further Defining the Dissemination of Obscene Material*, a bill that will update the law regarding the dissemination of harmful material to minors to include various types of electronic communications. The legislation was filed in response to the Massachusetts Supreme Judicial Court decision last week that electronic communications, such as instant messages, are not covered under the state's criminal prohibition on the dissemination of harmful material to minors. The bill filed seeks to update the law to include instant messages and other types of electronic communications in the definition of what constitutes "matter" harmful to children.

"This is an important step forward in protecting our children from online predators. The bill will close loopholes by updating the statute definition of harmful 'matter' to include technologies that predators are currently using to evade persecution" said Rep. Straus.

"With the growth of the Internet and the changing ways that kids communicate with each other, predators are increasingly using those new technologies to attempt to harm our children," said Attorney General Coakley. "That is why we must continue to update our laws to keep up with today's technology and better protect our children," said Attorney General Coakley.

"The recent decision by the Supreme Judicial Court in the Zubiel case underscores the need for legislation to be clear and concise. Therefore, the proposed legislation, worked on and filed with the Attorney General, seeks to clarify legislative intent by including the electronic

transmission of obscene and lewd material. I am grateful for the expertise of the Attorney General's Office which worked in conjunction with my office in crafting this legislation," said Chairman O'Flaherty.

An Act Further Defining the Dissemination of Obscene Material would amend Massachusetts [General Laws Chapter 272, Section 31](#), which provides the definition of what "matter" is considered harmful to minors, and therefore is illegal to disseminate to minors under the dissemination statute, [General Laws Chapter 272, Section 28](#). Currently, the definition includes:

"any handwritten or printed material, visual representation, live performance or sound recording including but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances."

The legislation would update that definition by adding electronic communications, specifically:

"any electronic communication including but not limited to any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system."