OUR OPINION

Beacon Hill must move on Davis' age of consent bill

In the wake of stunning sex abuse allegations against a former Miss Hall's School teacher, we added our voice to community calls for the Legislature to update the state's sexual consent laws. That chorus has grown stronger in recent months — and a new bill introduced by a Berkshire lawmaker offers a solid foothold for pressing this needed reform.

In Massachusetts, the legal age of consent is 16 with no restrictions on sexual activity between adult authority figures and minors under their command or instruction. As far as Massachusetts General Laws are concerned, a 16- or 17-year-old student can consent to a sexual relationship with his or her teacher. We find that notion morally dubious, and many seem to agree — including Massachusetts' southern neighbor, Connecticut, where the age of consent is also 16 but with a carveout for abuse of a minor student by an adult in authority.

The Miss Hall's scandal offers a telling comparison in the application of these differing approaches to age of consent laws. After multiple former students of the all-girls private school accused former teacher Matthew Rutledge of grooming and having sex with them while they were still minors under his tutelage, Mr. Rutledge could face criminal charges in the Nutmeg State, where one of the victims alleges he sexually abused her while visiting her family home in Wilton, Conn. Yet because of our state's age of consent statute, Mr. Rutledge likely won't face criminal charges in Massachusetts, where Miss Hall's School is located and the allegations originated. (Mr. Rutledge also faces a civil lawsuit with counts that include assault and battery filed by one of his accusers in Berkshire Superior Court.)

When the Berkshire District Attorney's Office announced last year that it would not bring charges against Mr. Rutledge after a monthslong investigation, an attorney representing one of Mr. Rutledge's accusers stressed to The Eagle that the DA should not be faulted for following the law. We agree. Prosecutors must follow relevant state statutes no matter how much they clash with our moral intuitions.

However, we can fault the Legislature if it doesn't act to close an age-of-consent loophole in state law that allows for the egregious sexual misconduct alleged to have occurred in a Pittsfield place of learning. Thankfully, that ball is already rolling in the General Court thanks to the Berkshire delegation's newest member. Rep. Leigh Davis has filed legislation (HD.2209) that would make it a crime for people like teachers, coaches and babysitters to have sex with minors in their care even if they are above the state's age of consent.

This seems like a reasonable and necessary protection for Massachusetts teenagers who are vulnerable to sexual advances from those in authoritative positions. A 16- or 17-year-old can't legally purchase a pack of cigarettes in Massachusetts. The state that protects them from that decision should also recognize that minor teens can't meaningfully consent to a sexual relationship with an adult who has disciplinary or grading authority over them.

It's so eminently reasonable that one might wonder why the Legislature hasn't already enacted these common-sense protections. State Sen. Joan B. Lovely introduced legislation to prevent school employees from sexually abusing students eight years ago. Shame on legislative leadership for letting such an important issue get stuck in the slow-grinding gears of Beacon Hill's business as usual. If the Legislature had treated that bill and its subject matter with the requisite seriousness at some point over the years, the county's criminal justice system might have been able to play its vital role after sex abuse allegations rocked a renowned educational institution and roiled the Berkshire community.

That community is now making an impassioned plea to lawmakers for serious change. Rep. Davis' bill has gained momentum among many appalled by the Miss Hall's scandal, including the support of a Change.org petition started by a Miss Hall's parent whose daughter was in Mr. Rutledge's history class.

But where the momentum really matters is in the Statehouse, and this Legislature has shown an unfortunate penchant for lack of attention and productivity toward pressing issues facing the commonwealth. In a speech last month kicking off the two-year legislative session, House Speaker Rep. Ronald Mariano criticized press coverage that highlighted the rushed and messy end to the last session. If Speaker Mariano would like Bay Staters to think more of Beacon Hill's work ethic, here is a good place to start. There's widespread agreement and little opposition to this obvious and overdue reform of the state's age of consent statute.

Kudos to Rep. Davis for quickly prioritizing a matter on the minds of many Berkshire constituents, and we hope her Berkshire delegation colleagues put their shoulders to this effort as well — especially state Rep. Tricia Farley-Bouvier, who represents the city Miss Hall's calls home. Sen. Lovely also deserves credit for raising the alarm earlier than most, presenting a valuable Senate partner as Rep. Davis presses her bill in the House. Sen. Lovely's past legislation and Rep. Davis' current bill differ somewhat, but this nascent two-year session offers more than enough time to hammer out the details and send something to the governor's desk. Now, it's up to House and Senate leadership, who hold a tight grip on legislative procedure in a top-heavy Legislature: Get this done, or risk confirming the critiques of your institution's productivity and responsiveness.