

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Candaras, Gale (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to spousal claims for tortious conduct

PETITION OF:

NAME:

Candaras, Gale (SEN)

DISTRICT/ADDRESS:

First Hampden and Hampshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00826 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SPOUSAL CLAIMS FOR TORTIOUS CONDUCT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 85Z
2 the following section:—

3 Section 85AA. Whoever commits an act of violence against his spouse, which act results in
4 physical injury to such spouse, whether or not such act resulted in criminal charges, prosecution or
5 conviction, shall be liable in tort to his spouse for damages as a result thereof. An action for damages
6 may be commenced in the superior court or the probate court and shall constitute a separate cause of
7 action from any other actions for divorce, support, or alimony. The court in awarding damages may
8 assign all or part of the estate of the husband or wife in satisfaction thereof, which assignment shall be
9 in addition to any order of alimony or support pursuant to any other domestic relations claim.