

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Walsh, Marian (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 the tort liability of certain charitable organizations.

PETITION OF:

NAME:

Walsh, Marian (SEN)

DISTRICT/ADDRESS:

Suffolk and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01048 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE TORT LIABILITY OF CERTAIN CHARITABLE ORGANIZATIONS.

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. Section 85K of chapter 231 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out, in line 14, the word “purposes.” and
3 inserting in place thereof the following words: - “purposes, nor if the claim is for intentional,
4 reckless, or negligent conduct which caused or contributed to the sexual abuse of a child.”

5 SECTION 2. Section 85K of chapter 231 of the General Laws, as so appearing, is further
6 amended by striking out, in line 25, the word “vehicle.” and inserting in place thereof the
7 following words: - “vehicle, nor if the claim is for intentional, reckless or negligent conduct
8 which caused or contributed to the sexual abuse of a child.”

9 SECTION 3. Said section 85K is further amended by inserting at the end thereof the following
10 new paragraph: - “For the purposes of this section, “sexual abuse of a child ” shall mean the

11 commission of any act against a child under 16 as provided in sections 13B, 13F, 13H, 22, 22A,
12 23, 24B, or 26A of chapter 265.”

13 SECTION 4. Section 85W of chapter 231 of the General Laws, as appearing in the 2004 Official
14 Edition, is hereby amended by striking out, in line 19, the word “automobile.” and inserting in
15 place thereof the following words: - “automobile, nor if the claim is for intentional, reckless or
16 negligent conduct which caused or contributed to the sexual abuse of a minor.”

17 SECTION 5. Section 85W of chapter 231 of the General Laws, as so appearing, is further
18 amended by inserting at the end thereof the following new paragraph: - “For the purposes of this
19 section, “sexual abuse of a child ” shall mean the commission of any act against a child under 16
20 as provided in sections 13B, 13F, 13H, 22, 22A, 23, 24B, or 26A of chapter 265.”