SENATE DOCKET, NO. 330 FILED ON: 1/19/2011

SENATE . . . . . No. 661

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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:

An Act relative to the common defense..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	*Worcester, Hampden, Hampshire, Franklin*
Shaunna O'Connell	*3rd Bristol*
Angelo J. Puppolo, Jr.	*12th Hampden*
Cleon H. Turner	*1st Barnstable*
Elizabeth A. Poirier	*14th Bristol*
Susan Williams Gifford	*2nd Plymouth*
Nicholas A. Boldyga	*3rd Hampden*
Thomas A. Golden, Jr.	*16th Middlesex*
Paul K. Frost	*7th Worcester*
Matthew A. Beaton	*11th Worcester*
Demetrius J. Atsalis	*2nd Barnstable*
Daniel B. Winslow	*9th Norfolk*
Bradley H. Jones, Jr.	*20th Middlesex*
Dennis A. Rosa	*4th Worcester*
Viriato Manuel deMacedo	*1st Plymouth*
George T. Ross	*2nd Bristol*
Michael O. Moore	
	☐ *[District]*

	□
Bruce E. Tarr	□ *[District]* □
George N. Peterson, Jr.	*9th Worcester*
Todd M. Smola	*1st Hampden*
Marc T. Lombardo	*22nd Middlesex*
Anne M. Gobi	*5th Worcester*
Randy Hunt	*5th Barnstable*
Christine E. Canavan	*10th Plymouth*
John J. Binienda	*17th Worcester*
Donald F. Humason, Jr.	*4th Hampden*
Richard Bastien	*2nd Worcester*

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By Mr. Brewer, a petition (accompanied by bill, Senate, No. 661) of Stephen M. Brewer, Shaunna O'Connell, Angelo J. Puppolo, Jr., Cleon H. Turner and other members of the General Court for legislation relative to the common defense. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1580* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to the common defense..

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

SECTION 1. Chapter 278: Section 8A. Killing or injuring a person defense of self or others;

Section 8A. It shall be an act of lawful defense if a person, who is an occupant of a dwelling or in any place that they have a right to be, used deadly force, or less than deadly force, if he or she acted in the reasonable belief that an assailant was about to inflict great bodily injury or death upon themselves or upon another person who also had a right to be in the location. There shall be no duty on a person to retreat from any place that they have a right to be. An act of lawful defense as outlined in this section shall not be cause for arrest or prosecution. Further, an act of lawful defense under this section shall not be cause for the revocation of a license issued under sections, 122, 123, 129B or 131 of Chapter 140.

SECTION 2. Chapter 231: Section 85U. Death or injury to assailants; liability of defender

Section 85U. No person who has committed an act of lawful defense as outlined in section 8A of chapter 278 shall be held liable in an action for damages for death or injuries to an assailant.