

SENATE No. 1857

The Commonwealth of Massachusetts

In the Year Two Thousand 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
10 following new paragraph: - “For the purposes of this section, “sexual abuse of a child ” shall
11 mean the commission of any act against a child under 16 as provided in sections 13B, 13F, 13H,
12 22, 22A, 23, 24B, or 26A of chapter 265.”

13 SECTION 4. Section 85W of chapter 231 of the General Laws, as appearing in the 2004
14 Official Edition, is hereby amended by striking out, in line 19, the word “automobile.” and
15 inserting in place thereof the following words: - “automobile, nor if the claim is for intentional,
16 reckless or 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
18 further amended by inserting at the end thereof the following new paragraph: - “For the purposes
19 of this section, “sexual abuse of a child ” shall mean the commission of any act against a child
20 under 16 as provided in sections 13B, 13F, 13H, 22, 22A, 23, 24B, or 26A of chapter 265.”