

**SENATE . . . . . No. 870**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Thomas M. McGee***

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*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 adoption of the accompanying bill:

An Act to clarify the charitable purposes of certain organizations.

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PETITION OF:

NAME:

*Thomas M. McGee*

DISTRICT/ADDRESS:

*Third Essex*

**SENATE . . . . . No. 870**

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By Mr. McGee, a petition (accompanied by bill, Senate, No. 870) of Thomas M. McGee for legislation to clarify the charitable purposes of certain organizations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 763 OF 2013-2014.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to clarify the charitable purposes of certain 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 85K of Chapter 231 of the General Laws is hereby amended by striking out the  
2 first sentence of the first paragraph and inserting in place thereof the following sentence:-

3           It shall not constitute a defense to any cause of action based on tort brought against a  
4 corporation, trustees of a trust, or members of an association that said corporation, trust or  
5 association is or at the time the cause of action arose was a charity; provided, that if (a) the tort  
6 was committed in the course of any activity carried on to accomplish directly the charitable  
7 purposes of such corporation, trust or association, and such corporation, trust or association  
8 derives more than fifty percent of its income from charitable gifts or donations or (b) such  
9 charitable corporation, trust or association has been established primarily for religious purposes,

- 10 then liability in any such cause of action shall not exceed the sum of twenty thousand dollars,
- 11 exclusive of interest and costs.