

**HOUSE . . . . . No. 813**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carmine L. Gentile*

*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 eliminate the charitable immunity cap.**

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:     | DATE ADDED:      |
|---------------------------|-----------------------|------------------|
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> | <i>1/13/2017</i> |
| <i>Steven Ultrino</i>     | <i>33rd Middlesex</i> |                  |
| <i>Chris Walsh</i>        | <i>6th Middlesex</i>  |                  |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i>  |                  |

**HOUSE . . . . . No. 813**

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By Mr. Gentile of Sudbury, a petition (accompanied by bill, House, No. 813) of Carmine L. Gentile and others for legislation to eliminate the charitable immunity defense in certain court actions. The Judiciary.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to eliminate the charitable immunity cap.

*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 2010  
2 official edition is hereby amended by striking out the entire section and inserting in place thereof  
3 the following sentence:

4           It shall not constitute a defense to any cause of action based on tort brought against a  
5 corporation, trustees of a trust, or members of an association that said corporation, trust or  
6 association is, or at the time of the cause of action arose was, a charity.