

HOUSE No. 1350

The Commonwealth of Massachusetts

PRESENTED BY:

Donald R. Berthiaume, Jr.

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 relative to the common defense.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>1/17/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/31/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/1/2019</i>

HOUSE No. 1350

By Mr. Berthiaume of Spencer, a petition (accompanied by bill, House, No. 1350) of Donald R. Berthiaume, Jr., Russell E. Holmes and Michael J. Soter relative to killing or injuring a person in self defense or defense of others. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

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

3 Section 8A. It shall be an act of lawful defense if a person, who is an occupant of a
4 dwelling or in any place that they have a right to be, used deadly force, or less than deadly force,
5 if he or she acted in the reasonable belief that an assailant was about to inflict great bodily injury
6 or death upon themselves or upon another person who also had a right to be in the location.

7 There shall be no duty on a person to retreat from any place that they have a right to be. An act
8 of lawful defense as outlined in this section shall not be cause for arrest or prosecution. Further,
9 an act of lawful defense under this section shall not be cause for the revocation of a license
10 issued under sections, 122, 123, 129B or 131 of Chapter 140.

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

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