

**SENATE . . . . . No. 00661**

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 bill:

An Act relative to the common defense..

PETITION OF:

| NAME:                          | DISTRICT/ADDRESS:                              |
|--------------------------------|--|
| <i>Stephen M. Brewer</i>       | <i>Worcester, Hampden, Hampshire, Franklin</i> |
| <i>Shaunna O'Connell</i>       | <i>3rd Bristol</i>                             |
| <i>Angelo J. Puppolo, Jr.</i>  | <i>12th Hampden</i>                            |
| <i>Cleon H. Turner</i>         | <i>1st Barnstable</i>                          |
| <i>Elizabeth Poirier</i>       | <i>14th Bristol</i>                            |
| <i>Susan Williams Gifford</i>  | <i>2nd Plymouth</i>                            |
| <i>Nicholas Boldyga</i>        | <i>3rd Hampden</i>                             |
| <i>Thomas A. Golden, Jr.</i>   | <i>16th Middlesex</i>                          |
| <i>Paul K. Frost</i>           | <i>7th Worcester</i>                           |
| <i>Matthew Beaton</i>          | <i>11th Worcester</i>                          |
| <i>Demetrius J. Atsalis</i>    | <i>2nd Barnstable</i>                          |
| <i>Daniel Winslow</i>          | <i>9th Norfolk</i>                             |
| <i>Bradley H. Jones, Jr.</i>   | <i>20th Middlesex</i>                          |
| <i>Dennis A. Rosa</i>          | <i>4th Worcester</i>                           |
| <i>Viriato Manuel deMacedo</i> | <i>1st Plymouth</i>                            |
| <i>George Ross</i>             | <i>2nd Bristol</i>                             |
| <i>Michael O. Moore</i>        | <i>Second Worcester</i>                        |

|                                |                                  |
|--------------------------------|----------------------------------|
| <i>Bruce E. Tarr</i>           | <i>First Essex and Middlesex</i> |
| <i>George N. Peterson, Jr.</i> | <i>9th Worcester</i>             |
| <i>Todd M. Smola</i>           | <i>1st Hampden</i>               |
| <i>Marc Lombardo</i>           | <i>22nd Middlesex</i>            |
| <i>Anne M. Gobi</i>            | <i>5th Worcester</i>             |
| <i>Randy Hunt</i>              | <i>5th Barnstable</i>            |
| <i>Christine E. Canavan</i>    | <i>10th Plymouth</i>             |
| <i>John J. Binienda</i>        | <i>17th Worcester</i>            |
| <i>Donald F. Humason, Jr.</i>  | <i>4th Hampden</i>               |
| <i>Richard Bastien</i>         | <i>2nd Worcester</i>             |

# SENATE . . . . . No. 00661

By Mr. Brewer, petition (accompanied by bill, Senate, No. 661) of Beaton, Frost, Golden and other members of the General Court for legislation relative to the common defense [Joint Committee on the Judiciary].

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

## The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Eleven**  
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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 dwelling or  
4 in any place that they have a right to be, used deadly force, or less than deadly force, if he or she  
5 acted in the reasonable belief that an assailant was about to inflict great bodily injury or death  
6 upon themselves or upon another person who also had a right to be in the location. There shall be  
7 no duty on a person to retreat from any place that they have a right to be. An act of lawful  
8 defense as outlined in this section shall not be cause for arrest or prosecution. Further, an act of

9 lawful defense under this section shall not be cause for the revocation of a license issued under  
10 sections, 122, 123, 129B or 131 of Chapter 140.

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

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