

**SENATE . . . . . No. 916**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William N. Brownsberger***

*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 governmental and charitable tort liability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Suffolk and Middlesex</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>1/26/2023</i>

**SENATE . . . . . No. 916**

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 916) of William N. Brownsberger and Joan B. Lovely for legislation relative to governmental and charitable tort liability. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 929 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to governmental and charitable tort liability.

*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 2020  
2 Official Edition, is hereby amended by inserting, after the words “shall not exceed the sum of  
3 \$100,000, exclusive of interests and costs” the following:- “provided, however, that all claims of  
4 sexual abuse of a minor, as defined in section 4C of chapter 260, shall not be subject to a  
5 limitation on damages”

6           SECTION 2. Section 2 of chapter 258 of the General Laws, as appearing in the 2020  
7 Official Edition, is hereby amended by inserting after the words “the Massachusetts Bay  
8 Transportation Authority shall not be subject to a \$100,000 limitation on compensatory  
9 damages” the following:- “; provided further that all claims of sexual abuse of a minor, as  
10 defined in section 4C of chapter 260, shall not be subject to a \$100,000 limitation on damages”

11           SECTION 3. Subsection (j) of section 10 of said chapter 258 is hereby amended by  
12 inserting, after paragraph (4), the following paragraph:- “(5) any claim of sexual abuse of a  
13 minor, as defined in section 4C of chapter 260, by a public employee or contractor.”