

HOUSE No. 3602

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 29, 1965.

The committee on the Judiciary, to whom was referred so much of the annual report of the Judicial Council (Pub. Doc. No. 144) as relates to establishing liability for injuries caused to children as the result of the existence of attractive nuisances, so called (page 64), report the accompanying bill (House, No. 3602).

For the committee,

DANIEL W. CARNEY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT ESTABLISHING LIABILITY FOR INJURIES CAUSED TO CHILDREN AS THE RESULT OF THE EXISTENCE OF ATTRACTIVE NUISANCES, SO CALLED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws is hereby amended by insert-
2 ing after section 85E, as added by chapter 300 of the acts of
3 1959, the following section: —

4 *Section 85F.* Any person who creates a condition dangerous
5 to children under the age of twelve, upon his own land or upon
6 the land of another, or permits such a condition to remain after
7 he knew or should have known of its existence, and he knew or
8 should have known that such condition would attract children
9 of tender years, shall be liable in tort for damages for injury
10 to the person or property of such children resulting from such
11 condition; notwithstanding that at the time of said injury said
12 child may have been a trespasser.