

# HOUSE . . . . . No. 1446

By Mr. Travaline of Somerville, petition of Joseph T. Travaline and Daniel W. Carney for establishing liability for injuries caused to certain children as the result of the existence of attractive nuisances, so-called. The Judiciary.

## The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING LIABILITY FOR INJURIES CAUSED TO CERTAIN 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 in-  
2 serting after section 85E the following section:—

3 *Section 85F.* A possessor of land shall be subject to liability  
4 for bodily harm to young children trespassing thereon caused  
5 by a structure or other artificial condition which he maintains  
6 upon the land, if

7 (a) the place where the condition is maintained is one upon  
8 which the possessor knows or should know that such children  
9 are likely to trespass, and

10 (b) the condition is one of which the possessor knows or  
11 should know and which he realizes as involving an unreasona-  
12 ble risk of death or serious bodily harm to such children, and

13 (c) the children because of their youth do not discover the  
14 condition or realize the risk involved in intermeddling in it or  
15 in coming within the area made dangerous by it, and

16 (d) the utility to the possessor of maintaining the condition  
17 is slight as compared to the risk to young children involved  
18 therein.

