

HOUSE No. 912

By Mr. Saulnier of New Bedford, petition of Joseph D. Saulnier for the imposition of a state prison sentence for husbands or fathers who leave the Commonwealth without providing for their families. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT PROVIDING A STATE PRISON SENTENCE FOR HUSBANDS OR FATHERS WHO LEAVE THE STATE WITHOUT PROVIDING FOR THEIR FAMILIES.

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 273 of the General Laws is hereby amended by
2 striking out section 1, as most recently amended by chapter 49
3 of the acts of 1957, and inserting in place thereof the following
4 section:—

5 *Section 1.* Any husband or father who unreasonably neglects
6 or refuses to provide for the support and maintenance of his
7 wife, whether living with him or living apart from him for justifi-
8 able cause, or of his minor child, and any husband or father
9 who abandons or leaves his wife or minor child in danger of
10 becoming a burden upon the public, and any mother who deserts
11 or wilfully neglects or refuses to provide for the support and
12 maintenance of her child under the age of sixteen, and any
13 parent of a minor child, or any guardian with care and custody
14 of a minor child, or any custodian of a minor child, who wilfully
15 fails to provide necessary and proper physical, educational or
16 moral care and guidance, or who permits said child to grow up
17 under conditions or circumstances damaging to the child's
18 sound character development, or who fails to provide proper
19 attention for said child, shall be punished by a fine of not more
20 than five hundred dollars or by imprisonment for not more than

21 two years, or both. Any husband or father who without just
22 cause deserts his wife or minor child, whether by going into
23 another town in the commonwealth or into another state, and
24 leaves them or any or either of them without making reasonable
25 provision for their support, shall be punished by imprisonment
26 in the state prison for not more than three years or in jail for
27 not more than two years or by a fine of not more than five
28 hundred dollars.

29 No civil proceeding in any court shall be held to be a bar to a
30 prosecution hereunder for desertion or non-support. In a prose-
31 cution hereunder for desertion or non-support against a husband,
32 a decree or judgment of a probate court in a proceeding in which
33 the husband appeared or was personally served with process,
34 establishing the right of the wife to live apart, or her freedom
35 to convey and deal with her property, or the right to the custody
36 of the children, shall be admissible and shall be prima facie
37 evidence of such right.