

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi for legislation to limit the liability for personal injuries or death suffered by a defendant while participating in a program in lieu of a sentence for certain violations of law. Criminal Justice.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Two.

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AN ACT LIMITING THE LIABILITY FOR PERSONAL INJURIES OR DEATH SUFFERED BY A DEFENDANT WHILE PARTICIPATING IN A PROGRAM IN LIEU OF A SENTENCE FOR CERTAIN VIOLATIONS OF LAW.

*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 276 of the General Laws is hereby amended by adding  
2 the following section: —

3 *Section 104.* Any person, whether a juvenile or an adult, or the  
4 legal representative of such person who is charged as a defendant  
5 with an offense or offenses against the commonwealth may, if  
6 permitted by the court having jurisdiction of such offense or  
7 offenses, consent to being placed on probation, with a stay of  
8 proceedings, a continuance without a finding or, after a finding by  
9 the court, a condition of which probation being that said defendant  
10 performs certain work or participates in certain community serv-  
11 ices for a stated period of time, either by a special order of the court  
12 having said jurisdiction or under the provisions of chapter two  
13 hundred and seventy-six A. Said defendant shall, while engaged in  
14 such performance or participation, be considered an “employee” of  
15 the commonwealth, as defined in section one of chapter one  
16 hundred and fifty-two, and entitled to all the benefits of said  
17 chapter, and shall be entitled to compensation thereunder. In the  
18 event that a defendant suffers personal injury or death arising out  
19 of or in the course of said performance or said participation, the  
20 employer or the community service organization for whom or for

21 which said defendant so worked or so participated, shall be  
22 required to provide the attorney general's office and the division of  
23 industrial accidents the information required as to each such  
24 defendant under the provisions of said chapter one hundred and  
25 fifty-two. Said defendant shall, at the time of his initial consent,  
26 waive in writing any and all rights of action based on claims for  
27 personal injury or death arising out of or in the course of said  
28 employment or participation, except his said rights under said  
29 chapter one hundred and fifty-two granted herein, against the  
30 court which granted said probation, the officers and personnel  
31 supervising said probation, and the employer or community serv-  
32 ice organization for whom or for which said defendant so worked  
33 or so participated.