

# HOUSE . . . . . No. 4331

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By Mr. Moore of Uxbridge, petition of the Gun Owners' Action League, Richard T. Moore and other members of the General Court for legislation to protect victims who were injured during the commission of certain crimes. The Judiciary.

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## **The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Three.

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### AN ACT TO PROTECT THE VICTIMS OF CRIME.

*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 two hundred and seventy-eight of the General Laws,  
2 as appearing in the 1986 Official Edition, is hereby amended by  
3 adding the following new section: —

4 Section 8B. In any tort action for damages based upon personal  
5 injury sustained by the plaintiff where the defendant shall furnish  
6 proof by a preponderance of evidence that the injury sustained  
7 by the plaintiff arose during the commission or attempted  
8 commission of any offense arising under chapter two hundred and  
9 sixty-five, or any offense arising under chapter two hundred and  
10 sixty-six, Sections 1, 2, 5A, 11, 12 or 15, then the plaintiff shall  
11 be deemed to have assumed all risks of injury, whether such injury  
12 was caused intentionally or unintentionally, arising from the  
13 encounter with any victim or good Samaritan during the  
14 commission or attempted commission of any such crimes, and  
15 such proof shall constitute a complete defense to this action.

