

# HOUSE . . . . . No. 1712

By Mr. Rushing of Boston, petition of Byron Rushing and others for legislation to include the providing of spiritual treatment through prayer in lieu of medical treatment as a defense in certain assault and battery upon a child actions. The Judiciary.

## The Commonwealth of Massachusetts

### PETITION OF:

Byron Rushing	F. Jay Barrows
Robert L. Hedlund	Jeffrey Sanchez
Jarrett T. Barrios	Douglas W. Petersen
James E. Timilty	Pam Richardson
Ellen Story	Paul C. Casey
Martha M. Walz	Bradford Hill
Louis L. Kafka	Carl M. Sciortino, Jr.
Jay R. Kaufman	J. James Marzilli, Jr.
Michael A. Costello	Alice Hanlon Peisch
Viriato Manuel deMacedo	Denise Provost
Tom Sannicandro	Peter V. Kocot
Frank I. Smizik	Thomas P. Conroy
Robert L. Rice, Jr.	Kay Khan
Alice K. Wolf	Karyn E. Polito
Mary E. Grant	Robert S. Hargraves
Scott P. Brown	Paul J. P. Loscocco
Robert A. Havern	

In the Year Two Thousand and Seven.

### AN ACT TO FURTHER RELIGIOUS FREEDOM.

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

1 SECTION 1. "Section 13J of Chapter 265 of the General Laws, as  
2 inserted by Chapter 340 of the Acts of 1993, is hereby further  
3 amended by inserting after paragraph (b) the following paragraph:—  
4 (c) It shall be a defense to any prosecution under this section that  
5 the parent, guardian, or other person legally charged with the care or  
6 custody of such child reasonably provided to the child spiritual treat-  
7 ment through prayer in lieu of medical treatment."

1 SECTION 2. “Section 13L of Chapter 265 of the General Laws,  
2 as inserted by Chapter 322 of the Acts of 2002, is hereby amended  
3 by inserting after the final paragraph the following paragraph:—  
4 It shall be a defense to any prosecution under this section that the  
5 parent, guardian, or other person legally charged with the care or  
6 custody of such child reasonably provided to the child spiritual treat-  
7 ment through prayer in lieu of medical treatment.”