

SENATE NO. 826

AN ACT RELATIVE TO SPOUSAL CLAIMS FOR TORTIOUS CONDUCT

*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. Chapter 231 of the General Laws is hereby amended by inserting after section 85Y the
2 following section:—

3 Section 85Z. Whoever commits an act of violence against his spouse, which act results
4 in physical injury to such spouse, whether or not such act resulted in criminal charges, prosecution or
5 conviction, shall be liable in tort to his spouse for damages as a result thereof. An action for damages
6 may be commenced in the superior court or the probate court and shall constitute a separate cause of
7 action from any other actions for divorce, support, or alimony. The court in awarding damages may
8 assign all or part of the estate of the husband or wife in satisfaction thereof, which assignment shall be
9 in addition to any order of alimony or support pursuant to any other domestic relations claim.