

# SENATE NO. 1143

## **AN ACT** RELATIVE TO RECKLESS ENDANGERMENT

*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 13L of Chapter 265 of the General Laws, as appearing in section 2 of  
2 chapter 322 of the acts of 2002, is hereby amended by inserting after the first paragraph the  
3 following paragraph:-

4 “Disabled Person”, a person who is mentally retarded, as defined by section one of chapter one  
5 hundred and twenty-three B or who is otherwise mentally or physically disabled and as a result  
6 of such mental or physical disability is wholly or partially dependent on another person or  
7 persons to meet his daily living needs.

8 SECTION 2. Section 13L of Chapter 265 of the General Laws, as appearing in section 2 of  
9 chapter 322 of the acts of 2002, is hereby amended by striking out the third paragraph and  
10 inserting in the place thereof the following paragraph:-

11 "Sexual abuse", an indecent assault and battery on a child under 14 under section 13B of chapter  
12 265; indecent assault and battery on a mentally retarded person under section 13F of chapter  
13 265; indecent assault and battery on a person age 14 or over under section 13H of said chapter

14 265; rape under section 22 of said chapter 265; rape of a child under 16 with force under section  
15 22A of said chapter 265; rape and abuse of a child under section 23 of said chapter 265; assault  
16 with intent to commit rape under section 24 of said chapter 265; and assault of a child with  
17 intent to commit rape under section 24B of said chapter 265.

18 SECTION 3. Section 13L of Chapter 265 of the General Laws, as appearing in section 2 of  
19 chapter 322 of the acts of 2002, is hereby amended by striking out the fourth paragraph and  
20 inserting in the place thereof the following paragraph:-

21 Whoever wantonly or recklessly engages in conduct that creates a substantial risk of serious  
22 bodily injury or sexual abuse to a child or a disabled person as defined in this section or  
23 wantonly or recklessly fails to take reasonable steps to alleviate such risk where there is a duty  
24 to act shall be punished by imprisonment in the house of correction for not more than 2 ½ years.

25 SECTION 4. For the purposes of this section, such wanton or reckless behavior occurs when a  
26 person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or  
27 omissions where there is a duty to act, would result in serious bodily injury or sexual abuse to a  
28 child or disabled person as defined in this section. The risk must be of such nature and degree  
29 that disregard of the risk constitutes a gross deviation from the standard of conduct that a  
30 reasonable person would observe in the situation.