

HOUSE No. 1833

By Mr. McCarthy of Somerville, petition of the Massachusetts State Firemen's Association for legislation relative to indemnification of police officers and firemen by cities and towns in certain cases. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT RELATIVE TO THE INDEMNIFICATION OF POLICE OFFICERS AND FIREMEN BY CITIES AND TOWNS IN CERTAIN CASES.

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 one hundred of chapter forty-one of the
2 General Laws, as most recently amended by chapter
3 two hundred and ninety-eight of the acts of nineteen
4 hundred and thirty-eight, is hereby further amended
5 by striking out, in the first and twelfth lines, the
6 word "may" and inserting in place thereof, in each
7 instance, the word:— shall, — by striking out, in
8 the twenty-second line, the word "authorize" and
9 inserting in place thereof the word:— require, — and
10 by inserting after the word "requirement" in the
11 twenty-seventh line the following:— Any such officer,
12 fireman, member or person, in the event that medi-
13 cal or surgical care is required, shall be attended by
14 the physician of his own choosing and in a hospital
15 of his own choosing, — so as to read as follows:—

16 *Section 100.* A city, town, fire or water district shall
17 indemnify a police officer, fireman or a member of
18 the fire department or a person required to assist a
19 police officer in the discharge of his duties, to an
20 amount not more than the amount recommended by
21 the board or officer authorized to appoint police offi-
22 cers, firemen or members of the fire department of
23 such city, town or district, for expenses or damages
24 sustained by him while acting as a police officer,
25 fireman or member of the fire department or as such
26 assistant, or incurred by him in the defence or settle-
27 ment of an action brought against him for acts done
28 by him while so acting, and such damages shall in-
29 clude loss of pay by reason of absence from duty on
30 the part of such officer, fireman or member because
31 of temporary incapacity caused by injury suffered
32 through no fault of his own while in the actual per-
33 formance of duty; and, if such officer, fireman, mem-
34 ber or person be dead, such expenses or damages shall
35 be payable to his widow, or, if he leaves no widow,
36 then to his next of kin who, at the time of his death,
37 were dependent upon his wages for support. For the
38 purposes of this section, call firemen shall be con-
39 sidered members of a fire department. This section
40 shall be construed to require a city or town to pay
41 compensation, in the manner herein provided, for
42 damages for personal injuries, whether or not death
43 results, and for property damage sustained by a per-
44 son while assisting a police officer thereof in the dis-
45 charge of his duty upon his requirement. Any such
46 officer, fireman, member or person, in the event that
47 medical or surgical care is required, shall be attended
48 by the physician of his own choosing and in a hospital
49 of his own choosing. This section shall not apply
50 to the city.