

By Mr. Honan of Boston, petition of Kevin G. Honan for legislation to establish a commission on public safety employees line of duty death benefits. Public Service.

The Commonwealth of Massachusetts

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

**AN ACT ESTABLISHING THE MASSACHUSETTS PUBLIC SAFETY EMPLOYEES
LINE OF DUTY DEATH BENEFIT COMMISSION.**

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. There shall be a public safety employees line of
2 duty death benefit commission of seven members, consisting of
3 a member of the Senate, said member to be appointed by the
4 Senate President, a member of the House of Representatives said
5 member to be appointed by the Speaker of the House and five
6 members to be appointed by the Governor with the advice and
7 consent of the Council. The five members to be appointed by the
8 Governor shall include the Secretary of Public Safety who shall
9 serve as chairperson, a representative from the Massachusetts Fire
10 Chief's Association, a representative from the Professional Fire
11 Fighters of Massachusetts, a representative from the Massachu-
12 setts Police Chief's Association and a representative from the
13 Massachusetts Police Association. The members shall serve
14 without compensation. Upon the expiration of the term of a
15 present member, his successor shall be appointed in the manner
16 aforesaid for a term of five years.

17 The commission shall meet at least annually and at other such
18 times deemed necessary to conduct any business coming before
19 the commission. The commission shall report annually to the
20 Governor and to the General Court its activities and
21 accomplishments.

1 SECTION 2. The line of duty death benefit shall be a one time
2 award in the amount of fifty thousand dollars. This fifty thousand
3 dollar death benefit shall be paid upon the death of a firefighter
4 who is killed in the performance of duty and as the result of an
5 accident while responding to or returning from an alarm of fire
6 or any emergency, or as the result of an accident involving a fire
7 department vehicle which the firefighter is riding, or while at the
8 scene of a fire or any emergency or sustains injuries which result
9 in the death of the firefighter or upon the death of a police officer
10 while in the performance of duty and as the result of an assault
11 on the person of said police officer or as the result of an accident
12 involving a police department vehicle which the police officer is
13 operating in the performance of the police officer's duties as a
14 police officer is killed or sustains injuries which result in the death
15 of the police officer or upon the death of a corrections officer while
16 in the performance of duty and as the result of an assault on the
17 correction officer's person is killed or sustains injuries which result
18 in the death of the corrections officer or upon the death of any
19 permanent crash crewman, crash boatman, fire controlman or
20 assistant fire controlman employed at the General Edward
21 Lawrence Logan International Airport who is killed while in the
22 performance of duty and as the result of an accident while
23 responding to or returning from an alarm of fire or any emergency,
24 or as the result of an accident involving a fire department vehicle,
25 which the firefighter is operating or in which the firefighter is
26 riding, or while at the scene of a fire or any emergency is killed
27 or sustains injuries which result in the death of the firefighter.

1 SECTION 3. The presumptions created by sections ninety-
2 four and ninety-four A of Chapter thirty-two of the General Laws
3 shall not be applicable as eligibility for the fifty thousand dollar
4 line of duty death benefit.

1 SECTION 4. The apportionment of the fifty thousand dollar
2 line of duty death benefit shall be made payable to the family of
3 the deceased public safety employee in a manner as determined
4 by the commission. All decisions made by the commission shall
5 be final.

1 SECTION 5. Said fifty thousand dollar line of duty death
2 benefit shall be non-taxable by the U.S. Internal Revenue Service
3 and the Massachusetts Department of Revenue.

1 SECTION 6. This act will take effect upon passage.

