

HOUSE No. 3941

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi relative to the indemnification of certain members of the judiciary or employees of the judicial branch. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE INDEMNIFICATION OF CERTAIN PUBLIC EMPLOYEES.

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

1 Chapter 258 of the General Laws is hereby amended by adding
2 after Section 9A the following section: —

3 Section 9B. If, in the event a suit or other legal proceeding is
4 commenced against a member of the judiciary or an employee of
5 the judicial branch, personally or in his official capacity, by reason
6 of a claim for damages resulting from an alleged intentional tort
7 or by reason of an alleged act or failure to act which constitutes
8 a violation of the civil rights of any person under federal or state
9 law, the commonwealth, at the request of the affected member
10 of the judiciary or employee of the judicial branch, shall provide
11 for the legal representation of such member of the judiciary or
12 employee of the judicial branch at no cost to the member of the
13 judiciary or employee of the judicial branch, provided, however,
14 that this section shall apply only where such alleged intentional
15 tort or alleged act or failure to act occurred within the scope of
16 the official duties or employment of such member of the judiciary
17 or employee of the judicial branch.

18 The commonwealth shall indemnify members of the judiciary
19 and employees of the judicial branch from all personal financial
20 loss and expenses, including but not limited to legal fees and costs,
21 if any, in an amount not to exceed one million dollars arising out
22 of any claim, action, award, compromise, settlement or judgement

23 against or involving a member of the judiciary or employee of the
24 judicial branch in his personal or official capacity resulting from
25 any alleged intentional tort or by reason of an alleged act or failure
26 to act which constitutes a violation of the civil rights of any person
27 under federal or state law; provided, however, that this section
28 shall apply only where such alleged intentional tort or alleged act
29 or failure to act occurred within the scope of the official duties
30 or employment of such member of the judiciary or employee of
31 the judicial branch.

32 No member of the judiciary or employee of the judicial branch
33 shall be indemnified for any violation of federal or state law if
34 such public employee acted in a wilful, wanton, or malicious
35 manner.

36 Nothing in this section shall waive the defense of judicial
37 immunity.