

HOUSE No. 6010

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 12, 1984.

The committee on Public Service, to whom was referred the petition (accompanied by bill, House, No. 5380) of Vincent J. Piro relative to the indemnification of certain public employees, reports recommending that the accompanying bill (House, No. 6010) ought to pass.

For the committee,

NICHOLAS J. BUGLIONE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT RELATIVE TO 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 Section nine A of Chapter 258 of the Massachusetts General
2 Laws, as most recently amended by Chapter 345 of the Act of 1982,
3 is hereby further amended by deleting section nine A in its entirety
4 and by substituting the following section nine A in its place: —

5 If, in the event a suit is commenced against a member of the state
6 police, the metropolitan district police, the capitol police, the
7 registry of motor vehicle police or an employee represented by
8 state bargaining unit number five, by reason of a claim for dam-
9 ages resulting from an alleged intentional tort or by reason of an
10 alleged act or failure to act which constitutes a violation of the civil
11 rights of any person under federal or state law, the commonwealth,
12 at the request of the affected police officer, shall provide for the
13 legal representation of said police officer.

14 The commonwealth shall indemnify members of the state
15 police, the metropolitan district police, the capitol police, the
16 registry of motor vehicle police or an employee represented by
17 state bargaining unit number five, respectively, from all personal
18 financial loss and expenses, including but not limited to legal fees
19 and costs, if any, in an amount not to exceed one million dollars
20 arising out of any claim, action, award, compromise, settlement or
21 judgment resulting from any alleged intentional tort or by reason
22 of an alleged act or failure to act which constitutes a violation of
23 the civil rights of any person under federal or state law; provided,
24 however, that this section shall apply only where such alleged
25 intentional tort or alleged act or failure to act occurred within the
26 scope of the official duties of such police officer.

27 No member of the state police or the metropolitan district police
28 shall be indemnified for any violation of federal or state law if such
29 member acted in a wilful, wanton or malicious manner.