

By Ms. Lewis of Dedham, petition of the Massachusetts Municipal Association, David P. Magnani, Stephen M. Brewer, Maryanne Lewis and other members of the General Court for legislation to provide for the indemnification of certain employees of cities and towns. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE INDEMNIFICATION OF CERTAIN MUNICIPAL 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 9 of Chapter 258 of the General Laws is hereby  
2 amended by inserting the following paragraphs at the end of the  
3 section: —

4 If in the event a suit is commenced against an incumbent or  
5 former municipal chief elected official; city or town manager;  
6 town administrator, executive secretary or administrative assistant  
7 as defined by Chapter 41, Section 108N, or official performing the  
8 same duties with a different title; or a municipal department head,  
9 including but not limited to the police chief, by reason of a claim  
10 for damages resulting from an alleged intentional or negligent tort  
11 arising out of his performance of the duties of his office, the city  
12 or town, at the request of said individual, shall provide legal rep-  
13 resentation of said individual.

14 A city or town shall indemnify said individual from all finan-  
15 cial loss and expenses, including but not limited to reasonable  
16 legal fees and costs, if any, in an amount not to exceed two mil-  
17 lion dollars arising out of any claim, action, award, compromise,  
18 settlement or judgment resulting from any alleged tort or contract  
19 or civil rights violations; provided however, that this section shall  
20 apply only where such alleged matter occurred within the scope of  
21 the individual's official duties.

22 No individual shall be indemnified for any violation of federal  
23 or state law if such person acted in a wanton or malicious manner.

