

By Mr. Bevilacqua of Haverhill, petition of Francis J. Bevilacqua relative to the pensions of court officers who are required to carry firearms. Public Service.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty.

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AN ACT RELATING TO THE PENSIONS OF COURT OFFICERS WHO ARE REQUIRED TO CARRY FIREARMS.

*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. Group 4 of paragraph (g) of Section 3 of Chapter  
2 32 of the General Laws is hereby amended by inserting after the  
3 words "capitol police;" the following words: — court officers who  
4 are required to carry firearms and court officers whose regular  
5 duties require the care, supervision, transportation or custody of  
6 prisoners;

1 SECTION 2. Section 94 of said Chapter 32 is hereby amended  
2 by inserting after the words "capitol police," the following  
3 words: — court officers who are required to carry firearms and  
4 court officers whose regular duties require the care, supervision,  
5 transportation or custody of prisoners,

1 SECTION 3. Said Chapter 32 is hereby amended by striking  
2 out Section 100 and inserting in place thereof the following sec-  
3 tion:

4 *Section 100.* Notwithstanding any provision of this chapter or  
5 any other law, if a firefighter while in the performance of his duties  
6 and as the result of an accident while responding to or returning  
7 from an alarm of fire or any emergency, or as the result of an  
8 accident involving a fire department vehicle, which the firefighter is  
9 operating or in which he is riding, or while at the scene of a fire or  
10 any emergency is killed or sustains injuries which result in his  
11 death, or if a police officer while in the performance of his duties

12 and as the result of an assault on his person or as a result of an  
13 accident involving a police department vehicle which he is operat-  
14 ing or in which he is riding in the performance of his duties as a  
15 police officer is killed or sustains injuries which result in his death,  
16 or court officer while in the performance of his duties and as the  
17 result of an assault on his person is killed or sustains injuries which  
18 result in his death, or if a corrections officer while in the perfor-  
19 mance of his duties and as the result of an assault on his person is  
20 killed or sustains injuries which result in his death, there shall be  
21 paid to the widow of such firefighter, police officer, court officer or  
22 corrections officer an annual amount of pension which shall be  
23 equal to the amount of salary which would have been paid to such  
24 firefighter, police officer, court officer or corrections officer had he  
25 continued in service in the position held by him at the time of his  
26 death; provided, however, that the amount of pension immediately  
27 payable shall be equal to the maximum salary set for the position  
28 whether or not such firefighter, police officer, court officer or  
29 corrections officer had reached the maximum at the time of his  
30 death. Any pension payable to a widow under this section, shall be  
31 paid to her so long as she remains unmarried. In the event of the  
32 death or remarriage of any widow eligible to receive a pension  
33 under this section, and in case there is any child of such deceased  
34 firefighter, police officer, court officer or corrections officer, there  
35 shall be paid to the legal guardian for the benefit of each such child  
36 the sum of three hundred and twelve dollars per annum in addition  
37 to a payment equal to seventy-two per cent of the pension which  
38 said widow was receiving at the time of her death or remarriage,  
39 such payment to be made in proportionate shares to the legal  
40 guardian for the benefit of each such child until such time as all  
41 such children have attained age eighteen or have attained age  
42 twenty-one if full-time students, and such payment shall continue  
43 for the benefit of such children who are over age eighteen and  
44 physically or mentally incapacitated from earning. The words  
45 "full-time student" shall mean a child who is in full-time attendance  
46 in an accredited educational institution offering full-time courses of  
47 study equivalent to or higher than secondary school study. The  
48 words "accredited educational institution" shall mean any school,  
49 college or university that is licensed, approved or accredited, as the  
50 case may be, in the state in which it is located.

51 The benefits provided by this section shall be in the alternative to  
52 the benefits provided by any other section of this chapter; pro-  
53 vided, however, that if any such deceased firefighter, police officer,  
54 court officer or corrections officer was a member of a contributory  
55 retirement system established under the provisions of section twenty-  
56 ty, any accumulated total deductions credited to his account in the  
57 annuity savings fund of such system shall be paid in one sum in  
58 accordance with the provisions of subdivision (2) of section eleven,  
59 to his surviving beneficiary or beneficiaries entitled thereto.

60 The benefits payable under this section to the widow of such  
61 deceased firefighter, police officer, court officer or corrections  
62 officer shall be paid as follows: If her husband was a member of the  
63 state employees' retirement system, the Massachusetts Port  
64 Authority employees' retirement system or any county, city or  
65 town contributory retirement system, as the case may be, estab-  
66 lished under the provisions of sections one to twenty-eight, inclu-  
67 sive, or under corresponding provisions of earlier laws, and subject  
68 thereto, or any contributory retirement system established for the  
69 employees of any governmental unit under the provisions of any  
70 special law, from the same appropriation, and in the same manner  
71 as accidental death benefits payable under the provisions of section  
72 nine; if her husband was not a member of a contributory retirement  
73 system, from the same appropriation, and in the same manner, as  
74 annuities to dependents payable under the provisions of section  
75 eighty-nine or section eighty-nine A.

76 If any firefighter, police officer, court officer or corrections  
77 officer is killed or sustains injuries resulting in his death in the  
78 manner set forth in this section, and he was so killed or sustained  
79 such injuries while assisting another governmental unit, pursuant  
80 to the provisions of subdivision (4) of section seven, the benefits  
81 provided by this section shall be paid to the widow as provided in  
82 the preceding paragraph, but the governmental unit which request-  
83 ed such assistance shall annually, on or before January fifteenth,  
84 reimburse the governmental unit which had employed such de-  
85 ceased firefighter, police officer, court officer or corrections officer  
86 in the amount of any benefits paid to his widow during the preced-  
87 ing calendar year.

88 The presumptions created by sections ninety-four and ninety-

89 four A shall not be applicable to the death of any firefighter, police  
90 officer, court officer or corrections officer for which a pension is  
91 provided under this section.

92 This section shall be administered by the state board of retire-  
93 ment as to employees of the commonwealth or the metropolitan  
94 district commission; by the appropriate retirement board, estab-  
95 lished under section twenty, having jurisdiction in the governmen-  
96 tal unit in which any such firefighter, police officer or court officer  
97 was employed at the time of his death; or by the Massachusetts Bay  
98 Transportation Authority police retirement board; or if such fire-  
99 fighter, police officer, court officer or corrections officer was em-  
100 ployed by a town and was not a member of any contributory  
101 retirement system, by the board of selectmen of such town.