

HOUSE No. 1355

By Mr. Fagan of Taunton, a petition (accompanied by bill, House, No. 1355) of James H. Fagan for legislation to provide indemnity from prosecution for probation officers and court officers employed by the Trial Court, The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing indemnity from prosecution for probation officers and court officers employed by the Trial Court.

PETITION OF:

NAME:

James H. Fagan

DISTRICT/ADDRESS:

3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1397 OF 2007-2008.]

The Commonwealth of Massachusetts

—
In the Year Two Thousand and Nine
—

AN ACT PROVIDING INDEMNITY FROM PROSECUTION FOR PROBATION OFFICERS AND COURT OFFICERS EMPLOYED BY THE TRIAL COURT.

*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, as appearing in the 2006 Official Edition, is hereby amended by adding the following new section:—
2 Section 9B. If, in the event a suit is commenced against a Probation or Court Officer employed by the Trial Court,
3 by reason of a claim for damages resulting from an alleged intentional tort or by reason of an alleged act or failure to
4 act which constitutes a violation of the civil rights of any person under federal or state law, the commonwealth, at
5 the request of the affected officer, shall provide for the legal representation of said officer.
6 The commonwealth shall indemnify Probation or Court Officers employed by the Trial Court, respectively, from all
7 personal financial loss and expenses, including but not limited to legal fees and costs, if any, in an amount not to
8 exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgment resulting
9 from any alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the
10 civil rights of any person under federal or state law; provided, however, that this section shall apply only where such
11 alleged intentional tort or alleged act or failure to act occurred within the scope of the official duties of such officer.
12 No Probation or Court Officer employed by the Trial Court shall be indemnified for any violation of federal or state
13 law if such member or employee acted in a willful, wanton, or malicious manner.