

By Mr. Keating, a petition (accompanied by bill, Senate, No. 2228) of William R. Keating for legislation relative to indemnity of probation and court officers. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO INDEMNITY OF PROBATION AND COURT OFFICERS.

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 is hereby amended by adding the following new
2 section:—

3 Section 9B. If, in the event a suit is commenced against a
4 Probation or Court Officer employed by the Trial Court, by reason
5 of a claim for damages resulting from an alleged intentional tort
6 or by reason of an alleged act or failure to act which constitutes a
7 violation of the civil rights of any person under federal or state
8 law, the commonwealth, at the request of the affected officer, shall
9 provide for the legal representation of said officer.

10 The commonwealth shall indemnify Probation or Court
11 Officers employed by the Trial Court, respectively, from all per-
12 sonal financial loss and expenses, including but not limited to
13 legal fees and costs, if any, in an amount not to exceed one million
14 dollars arising out of any claim, action, award, compromise, set-
15 tlement or judgment resulting from any alleged intentional tort or
16 by reason of an alleged act or failure to act which constitutes a
17 violation of the civil rights of any person under federal or state
18 law; provided, however, that this section shall apply only where
19 such alleged intentional tort or alleged act or failure to act
20 occurred within the scope of the official duties of such officer.

21 No Probation or Court Officer employed by the Trial Court
22 shall be indemnified for any violation of federal or state law if
23 such member or employee acted in a willful, wanton, or malicious
24 manner.

