

HOUSE No. 1374

The Commonwealth of Massachusetts

PRESENTED BY:

John P. Fresolo

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 for equitable rights to indemnity for public employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John P. Fresolo	16th Worcester
David Holway	National Association of Government Employees 159 Burgin Parkway Quincy, MA 02169

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1433 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING FOR EQUITABLE RIGHTS TO INDEMNITY FOR 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 9 of Chapter 258, as most recently amended, is hereby further amended by deleting from the first
2 sentence of the first paragraph "may" and substituting "shall" and by deleting from the last sentence of the first paragraph
3 "grossly negligent" and substituting therefore "wanton," so said first paragraph shall read:—

4 Public employers shall indemnify public employees from personal financial loss and expenses, including legal fees and
5 costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise,
6 settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a
7 violation of the civil rights of any person under any federal or state law; if such employee or official at the time of such
8 intentional tort or such act or omission was acting within the scope of his official duties or employment. No such
9 employee or official shall be indemnified under this section for violation of any such civil rights if he acted in a
10 wanton, willful or malicious manner.