HOUSE DOCKET, NO. 1073 FILED ON: 1/16/2013

HOUSE . . . . . No. 2422

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

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 adoption of the accompanying bill:

An Act relative to injured on duty benefits for environmental police officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kathi-Anne Reinstein	*16th Suffolk*
Thomas J. Calter	*12th Plymouth*
Bruce E. Tarr	*First Essex and Middlesex*

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HOUSE . . . . . No. 2422

By Ms. Reinstein of Revere, a petition (accompanied by bill, House, No. 2422) of Kathi-Anne Reinstein, Thomas J. Calter and Bruce E. Tarr relative to injured-on-duty benefits for environmental police officers. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to injured on duty benefits for environmental police officers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 21A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 10H the following section:-

Section 10I. (a) Whenever an environmental police officer of the office of law enforcement is incapacitated for duty because of injuries sustained in the performance of duty without fault of the officer, such officer shall be granted leave without loss of pay for the period of such incapacity; provided however, that no such leave shall be granted for any period after such officer has been retired or pensioned in accordance with law or for any period after a physician designated by the director of law enforcement determines that such incapacity no longer exists. All amounts payable under this section shall be paid at the same time and in the same manner as, and for all purposes shall be deemed to be, the regular compensation of such environmental police officer.

(b) Where the injury causing the incapacity of an environmental police officer for which the officer is granted a leave without loss of pay and is paid compensation in accordance with the provisions of this section, was caused under circumstances creating a legal liability in some person to pay damages in respect thereof, either the person so injured or the office paying such compensation may proceed to enforce the liability of such person in any court of competent jurisdiction. The sum recovered shall be for the benefit of the office paying such compensation, unless the sum is greater than the compensation paid to the person so injured, in which event the excess shall be retained by or paid to the person so injured. For the purposes of this section, the term “excess” shall mean the amount by which the total sum received in payment for the injury, exclusive of interest and costs, exceeds the amount paid under this section as compensation to

22 the person so injured. The party bringing the action shall be entitled to any costs recovered by
23 him. Any interest received in such action shall be apportioned between the office and the person
24 so injured in proportion to the amounts received by them respectively, inclusive of interest and
25 costs. The expense of any attorney's fees shall be divided between the office and the person so
26 injured in proportion to the amounts received by them respectively.

27 (c) Whoever intentionally or negligently injures an environmental police officer for
28 which the officer is granted a leave without loss of pay and is paid compensation in accordance
29 with the provisions of this section shall be liable in tort to the office paying such compensation
30 for all costs incurred by such office in replacing such injured environmental police officer which
31 are in excess of the amount of compensation so paid.