

**HOUSE . . . . . No. 1355**

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**The Commonwealth of Massachusetts**

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

15 indemnified for any violation of federal or state law if such member or employee acted in a  
16 willful, wanton, or malicious manner.