

HOUSE No. 1374

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 deleting from the first sentence of the first paragraph "may" and substituting "shall" and by
3 deleting from the last sentence of the first paragraph "grossly negligent" and substituting
4 therefore "wanton," so said first paragraph shall read:—

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