

SENATE No. 1128

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 Section 1: Chapter 258 of the General Laws, as appearing in the 1998 Official Edition, is
2 hereby amended by inserting after section 9A, the following section: Section 9B. If, in the event
3 a suit is commenced against a Probation or Court Officer employed by the Trial Court, by reason
4 of a claim for damages resulting from an alleged intentional tort or by reason of an alleged act or
5 failure to act which constitutes a violation of the civil rights of any person under federal or state
6 law, the commonwealth, at the request of the affected officer, shall provide for the legal
7 representation of said officer. The commonwealth shall indemnify Probation or Court Officers
8 employed by the Trial Court, respectively, from all personal financial loss and expenses,
9 including but not limited to legal fees and costs, if any, in an amount not to exceed one million
10 dollars arising out of any claim, action, award, compromise, settlement or judgment resulting
11 from any alleged intentional tort or by reason of an alleged act or failure to act which constitutes
12 a violation of the civil rights of any person under federal or state law; provided, however, that
13 this section shall apply only where such alleged intentional tort or alleged act or failure to act
14 occurred within the scope of the official duties of such officer.

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