HOUSE DOCKET, NO. 3079 FILED ON: 1/20/2017

# HOUSE . . . . . No. 3277

## The Commonwealth of Massachusetts

PRESENTED BY:

***Tackey Chan***

*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 line of duty survivor benefits for court officials.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Tackey Chan* | *2nd Norfolk* | *1/20/2017* |

HOUSE DOCKET, NO. 3079 FILED ON: 1/20/2017

# HOUSE . . . . . No. 3277

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3277) of Tackey Chan relative to line of duty survivor benefits for court officials. Public Service.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court**
**(2017-2018)**

An Act relative to line of duty survivor benefits for court officials.

*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 32 of the General Laws is hereby amended by the adding the following new section:--

Section 106. If a court officer, probation officer, clerk, judge or justice is killed or dies from injuries received, or dies as a natural and proximate result of undergoing a hazard peculiar to his employment, while in the performance of his or her duty, and it shall be proved to the satisfaction of the state retirement board that such death was the natural and proximate result of undergoing a hazard peculiar to his employment, while he was acting in the performance and within the scope of his or her duty to the following dependents of such deceased person the following annuities: To the spouse, so long as said spouse remains unmarried, a survivors death benefit allowance to consist of a yearly amount of annuity equal to the full amount of the annual rate of regular compensation of such court officer, probation officer, clerk, judge or justice on the date such injury was sustained or such hazard was undergone, or equal to two thirds of the average annual rate of his or her regular compensation for the twelve-month period for which he

or she last received regular compensation immediately preceding the date of his or her death, whichever is greater, increased in either case by three hundred and twelve dollars, as adjusted for inflation and in accordance with cost of living indexes, for each child of such deceased person during such time as such child is under the age of eighteen or over said age and physically or mentally incapacitated from earning; and if there is any such child and no spouse, or the spouse later dies, such an annuity as would have been payable to the spouse had there been one or had said spouse lived, to or for the benefit of such child, or of such children in equal shares, during the time aforesaid; and if there is any such child and the spouse remarries, in lieu of the aforesaid annuity to said spouse, an annuity of five hundred and twenty dollars as adjusted for inflation and in accordance with cost living indexes, to or for the benefit of each such child during the time aforesaid; and if there is no spouse and no such child, an annuity not exceeding one thousand dollars, as adjusted for inflation and in accordance with cost of living indexes, to or for the benefit of the father or mother of the deceased, if such father or mother was dependent on him for support at the time of his or her death, during such time as such beneficiary is unable to support himself or herself and does not marry.

No payment shall be made under this section unless and until there is on file in the office of the state retirement board a copy of the marriage certificate of the surviving spouse, a record of the birth of each dependent child under age eighteen, and a medical certificate for each dependent child who is physically or mentally incapacitated from earning. The state retirement board shall annually require, for the purpose of supporting continuance of payments authorized under this section, such further certificates as may be necessary to evidence that a surviving spouse has not remarried or a child over eighteen continues physically or mentally incapacitated from earning.

The total amount of all such annuities shall not, except as hereinafter provided, exceed the annual rate of compensation received by such deceased person on the date such injury was sustained or such hazard was undergone, or equal to the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date of his death, whichever is greater.

For the purposes of this section, in the event that that a Judge or Justice of any Massachusetts Court is killed or dies from injuries received, or dies as a natural and proximate result of undergoing a hazard peculiar to his employment, while in the performance of his or her duty, the surviving spouse or dependents provided for herein shall receive the maximum retirement benefits, as if the Judge or Justice was fully vested, served the maximum number of years and reached any mandatory retirement age.

The benefits provided under this section shall be in the alternative for the benefits, if any, provided by any other provision of law; and the spouse, or if there is no spouse, the legal representative of the children entitled thereto, if any, otherwise the father or mother in the order named, shall elect which benefits shall be granted. Such election shall be made in writing and shall be filed with the board or authority in charge of granting the benefits under the other provision of law, and shall not be subject to change or revocation after the first payment of any benefit under this section; and any person receiving benefits under this section shall not at the same time receive benefits of like nature under any other provision of law.

For the purposes of this section, “a hazard peculiar to his employment, while in the performance of his or her duty" shall include, but shall not be limited to: assignments in any courthouse or other venue, such as hospitals or jails, used to conduct judicial business;

Emergency Judicial Response System assignments; approved voluntary or assigned education programs or other assignment within the scope of his/her employment as a court officer, probation officer, clerk, judge or justice.

The provisions of this act shall apply to any line of duty death as described herein having occurred on or after January 1, 2002.