

**SENATE . . . . . No. 1437**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michael O. Moore***

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*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 violent altercations involving a law enforcement officer.

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PETITION OF:

NAME:

*Michael O. Moore*

DISTRICT/ADDRESS:

*Second Worcester*

**SENATE . . . . . No. 1437**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 1437) of Michael O. Moore for legislation relative to violent altercations involving a law enforcement officer. Public Service.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to violent altercations involving a law enforcement officer.

*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. Section 1 of chapter 32 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the definition of “IV-D agency” the  
3 following new definition:-

4           “Law enforcement officer”, any police officer, any auxiliary, intermittent, special, part-  
5 time or reserve police officer, any police officer in the employ of a public institution of higher  
6 education under section 5 of chapter 15A, any public prosecutor, any municipal or public  
7 emergency medical technician, Deputy Sheriff and/or Correction officer.

8           SECTION 2. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby  
9 amended by inserting after the definition of “Veteran” the following new definition:-

10           “Violent Altercation”, any interaction between a law enforcement officer in the lawful  
11 performance of their duties and an individual that results in an assault with a dangerous weapon

12 as defined in Section 15B of chapter 265, including, but not limited to a shooting, stabbing,  
13 bombing, road rage incident, or hostage situation.

14 SECTION 3: Section 7 of chapter 32 of the General Laws is hereby amended by striking  
15 subsection (2)(a)(ii) and replacing it with the following new section

16 (ii) A yearly amount of pension equal to 72 per cent of the annual rate of his regular  
17 compensation on the date such injury was sustained or such hazard was undergone, or equal to  
18 72 per cent of the average annual rate of his regular compensation for the 12-month period for  
19 which he last received regular compensation immediately preceding the date his retirement  
20 allowance becomes effective, whichever is greater; provided, however, that if an individual was  
21 in a temporary or acting position on the date such injury was sustained or hazard undergone, the  
22 amount to be provided under this paragraph shall be based on the annual rate of regular  
23 compensation in his permanent position on the date such injury was sustained or such hazard was  
24 undergone, or the average annual rate of his regular compensation in his permanent position for  
25 the 12-month period for which he last received regular compensation immediately preceding the  
26 date his retirement allowance becomes effective, whichever is greater; provided, however, that  
27 for any employee who was not a member in service on or before January 1, 1988 or who has not  
28 been continuously a member in service since that date, the total yearly amount of the sum of such  
29 pension and the annuity as determined in accordance with clause (i) shall not exceed 75 per cent  
30 of the annual rate of regular compensation as determined in this paragraph; and provided further,  
31 that no individual who was a member in service on January 1, 1988, whose allowance is limited  
32 by the 75 per cent limitation as established in this paragraph, shall receive an amount of pension  
33 that is less than 72 per cent of such individual's regular compensation on January 1, 1988;  
34 provided further, that any law enforcement officer, as defined in section 1, whose disability in

35 accordance with subsection (1) is a result of a violent altercation shall receive a yearly amount of  
36 pension equal to 100 per cent of the annual rate of his regular compensation in accordance with  
37 this section, and, notwithstanding any general or special law to the contrary, there shall be no  
38 restrictions on future earnings associated with disability retirement due to a violent altercation.