SENATE DOCKET, NO. 697 FILED ON: 1/18/2017

SENATE . . . . . No. 767

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 providing indemnity from prosecution for probation officers and court officers employed by the Trial Court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael D. Brady	*Second Plymouth and Bristol*

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SENATE . . . . . No. 767

By Mr. Brady, a petition (accompanied by bill, Senate, No. 767) of Michael D. Brady for legislation to provide indemnity from prosecution for probation officers and court officers employed by the Trial Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1201* OF 2015-2016.]

The Commonwealth of Massachusetts

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

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:

Chapter 258, as appearing in the 2006 Official Edition, is hereby ammended by adding the following new section-

Section 9B. If, in the event a suit is commenced against a Probation or Court Officer employed by the Trial Court, by reason of a claim for damages resulting from an alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law, the Commonwealth, at the request of the affected officer, shall provide for the legal representation of said officer.

The Commonwealth shall indemnify Probation or court Officers employed by the Trial Court, respectively, from all personal loss and expenses, including but not limited to legal fees

and costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgement resulting from an alleged intentional tort or by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any person under federal or state law; provided, however, that this section shall apply only where such alleged intentional tort or alleged act or failure to act occurred within the scope of the official duties of such officer.

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