

HOUSE No. 4666

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4158). April 21, 2020.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the disability retirement of Ryan Moore and Donald Demiranda, police officers in the town of Falmouth.

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. (a) Notwithstanding any general or special law to the contrary and in order
- 2 to promote the public good, the retirement board of the town of Falmouth shall retire Ryan
- 3 Moore, a police officer in the police department of the town , who was injured in the line of duty
- 4 and, as a result, is permanently incapacitated from performing the essential duties of a police
- 5 officer; provided, however, that the provisions of subdivision (2) of section 8 of chapter 32 of the
- 6 General Laws shall apply as of the date of Ryan Moore's retirement pursuant to this act. The
- 7 retirement benefits shall be paid and administered in accordance with section 7 of chapter 32 of
- 8 the General Laws. Upon retirement, Ryan Moore shall receive a lump sum payment from the
- 9 retirement board equal to his total accumulated retirement deductions.

- 10 (b) The annual amount of pension payable to Ryan Moore shall be equal to the regular
- 11 rate of compensation which would have been payable to him had he continued in service as a
- 12 police officer at the grade held by him at the time of his retirement. The payments shall continue

13 until his death or until he reaches age 65, whichever first occurs. The retirement shall become
14 effective commencing on the date immediately following the final day for which Ryan Moore
15 received regular compensation for such employment. The additional benefits granted in this act
16 shall be funded and administered by the retirement board of the town of Falmouth , consistent
17 with and subject to said chapter 32 except that sections 8 and 91A of said chapter 32 shall not
18 apply . All amounts paid under this act shall be nontaxable to the extent allowable under state
19 law.

20 (c) Upon attaining age 65, Ryan Moore shall receive a pension pursuant to section 7 of
21 said chapter 32, the yearly amount of which shall be equal to 80 per cent of the average annual
22 amount of pension paid to him in the previous 12 months.

23 (d) If Ryan Moore is married at the time of his retirement, then, upon his death, said
24 retirement board shall pay his surviving spouse if then living, a pension, payable in monthly
25 installments in the amount of 75 per cent of the annualized amount of the pension payable to
26 Ryan Moore on the date of his death. The pension benefits provided for in this subsection and
27 subsection (c) shall be subject to section 103 of said chapter 32.

28 (e) Ryan Moore shall be indemnified by the town of Falmouth for hospital, medical and
29 other healthcare expenses related to treatment of injuries sustained while in the line of duty on
30 July 27, 2018, not otherwise covered by health insurance.

31 SECTION 2. (a) Notwithstanding any general or special law to the contrary and in order
32 to promote the public good, the retirement board of the town of Falmouth shall retire Donald
33 Demiranda, a police officer in the police department of the town , who was injured in the line of
34 duty and, as a result, is permanently incapacitated from performing the essential duties of a

35 police officer; provided, however, that the provisions of subdivision (2) of section 8 of chapter
36 32 of the General Laws shall apply as of the date of Donald Demiranda's retirement pursuant to
37 this act. The retirement benefits shall be paid and administered in accordance with section 7 of
38 chapter 32 of the General Laws. Upon retirement, Donald Demiranda shall receive a lump sum
39 payment from the retirement board equal to his total accumulated retirement deductions.

40 (b) The annual amount of pension payable to Donald Demiranda shall be equal to the
41 regular rate of compensation which would have been payable to him had he continued in service
42 as a police officer at the grade held by him at the time of his retirement. The payments shall
43 continue until his death or until he reaches age 65, whichever first occurs. The retirement shall
44 become effective commencing on the date immediately following the final day for which Donald
45 Demiranda received regular compensation for such employment. The additional benefits granted
46 in this act shall be funded and administered by the retirement board of the town of Falmouth,
47 consistent with and subject to said chapter 32 except that sections 8 and 91A of said chapter 32
48 shall not apply. All amounts paid under this act shall be nontaxable to the extent allowable under
49 state law.

50 (c) Upon attaining age 65, Donald Demiranda shall receive a pension pursuant to section
51 7 of said chapter 32, the yearly amount of which shall be equal to 80 per cent of the average
52 annual amount of pension paid to him in the previous 12 months.

53 (d) If Donald Demiranda is married at the time of his retirement, then, upon his death,
54 said retirement board shall pay his surviving spouse if then living, a pension, payable in monthly
55 installments in the amount of 75 per cent of the annualized amount of the pension payable to

56 Donald Demiranda on the date of his death. The pension benefits provided for in this subsection
57 and subsection (c) shall be subject to section 103 of said chapter 32.

58 (e) Donald Demiranda shall be indemnified by the town of Falmouth for hospital,
59 medical and other healthcare expenses related to treatment of injuries sustained while in the line
60 of duty on July 27, 2018 not otherwise covered by health insurance.

61 SECTION 3. The payments provided for in this act shall only be made when Donald
62 Demiranda and Ryan Moore have been examined by a medical panel, pursuant to section 6 of
63 said chapter 32, in which a majority of the physicians have certified to the retirement board of
64 Falmouth that the member is mentally or physically incapacitated from further duty and that such
65 incapacity is likely to be permanent, and that the disability is such as might be the natural and
66 proximate result of the accident or hazard undergone on account of which retirement is claimed;
67 provided, however, that the public employee retirement administration commission may, upon
68 request, waive such examination if the member has already been approved by a medical panel
69 and the board and is receiving a disability benefit as of the effective date of this act. The
70 commission shall promptly notify the retirement board of Falmouth of such waiver."

71 SECTION 4. This act shall take effect upon its passage.