

# HOUSE . . . . . No. 4751

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 9, 2022.

The committee on Public Service to whom was referred the petition (accompanied by bill, House, No. 4373) of Adrian C. Madaro (with the approval of the mayor and city council) that the Boston Retirement Board be authorized to increase the accidental disability retirement allowance payable to Richard Cintolo, a retired police officer of the city of Boston, reports recommending that the accompanying bill (House, No. 4751) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

**HOUSE . . . . . No. 4751**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act regarding the disability pension for Richard Cintolo.

*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, the Boston  
2 Retirement Board shall increase the accidental disability retirement allowance payable to  
3 Richard Cintolo, a retired police officer of the police department of the city of Boston who, as a  
4 result of injuries sustained while in the performance of his duties on October 12, 2016, is totally  
5 and permanently incapacitated from performing the essential duties of a police officer.

6           (b) The annual amount of pension payable to Richard Cintolo shall be equal to the regular  
7 rate of compensation which would have been paid had he continued in service as a police officer  
8 of the city of Boston at the grade held by him at the time of his retirement until his death or  
9 reaching mandatory retirement age, whichever comes first. All amounts paid under this act shall  
10 be non-taxable to the extent allowable under state and federal law.

11           (c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general  
12 or special law to the contrary, Richard Cintolo’s annual earnings, when added to his retirement

13 allowance, may annually earn up to one-half the amount of his retirement allowance without  
14 refund penalty.

15 (d) Upon attaining the mandatory retirement age for a police officer of the city of Boston,  
16 Richard Cintolo shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount  
17 of pension equal to 80 per cent of the annual rate of the compensation he was receiving on the  
18 day before he reaches the mandatory retirement age for a police officer in the city of Boston.

19 (e) Notwithstanding any general or special law to the contrary, the benefits granted herein  
20 shall be funded and administered by the Boston Retirement Board, consistent with and subject to  
21 chapter 32 of the General Laws.

22 SECTION 2. Notwithstanding any general or special law to the contrary, Richard Cintolo  
23 shall be entitled to receive indemnification for all hospital, medical and related expenses that  
24 have been or may be incurred after the date of his retirement as a result of the injuries sustained  
25 by him while in the performance of his duties on October 12, 2016, in accordance with sections  
26 100 and 100B of chapter 41 of the General Laws.

27 SECTION 3. Notwithstanding any general or special law to the contrary, the Boston  
28 Retirement Board shall forthwith pay to said Richard Cintolo the amount credited to

29 him as accumulated total deductions in the annuity savings fund of the Boston Retirement  
30 Board as of the effective date of this act.

31 SECTION 4. Notwithstanding any general or special law to the contrary, if Richard  
32 Cintolo was married on the date of his injury then, upon his death, if he is still married to the  
33 spouse he was married to on the date of injury then, should his spouse to whom he was married

34 on the date of injury survive him, the retirement board of the city of Boston shall pay to the  
35 spouse an annuity in the amount of 75 per cent of the amount of the pension which otherwise  
36 would have been payable to Richard Cintolo until the spouse's death The pension benefits  
37 provided for in this section and section 1 shall be subject to section 103 of chapter 32 of the  
38 General Laws.

39 SECTION 5. In the event that both Richard Cintolo and his spouse to whom he was  
40 married on the date of injury die before their children reach the age of eighteen the payments that  
41 would otherwise have been made to his spouse shall be payable, per stirpes, to each surviving  
42 children under the age of 18; provided, however, that payments shall continue for the benefit of a  
43 surviving child 18 years or older who, on or before the date of death of Richard Cintolo or his  
44 spouse to whom he was married on the date of injury, whichever is later, had been medically  
45 determined to be permanently physically or mentally incapacitated from earning or for the  
46 benefit of a child under the age of 22 who is enrolled as a full-time student as determined by the  
47 criteria of the educational institution.

48 SECTION 6. The payments provided for in this act shall only be made when Richard  
49 Cintolo has been re-examined by a medical panel, pursuant to section 6 of chapter 32 of the  
50 General Laws, in which a majority of the physicians have re-certified to the Boston Retirement  
51 Board that the member is mentally or physically incapacitated from further duty and that such  
52 incapacity is likely to be permanent, and that the disability is such as might be the natural and  
53 proximate result of the accident or hazard undergone on account of which retirement is claimed

54 SECTION 7. This act shall take effect as of 01/31/2022.