

HOUSE No. 5315

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel J. Hunt and F. Jay Barrows

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 regarding the disability pension for Kurt Stokinger.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>9/8/2022</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>9/8/2022</i>

HOUSE No. 5315

By Representatives Hunt of Boston and Barrows of Mansfield, a petition (accompanied by bill, House, No. 5315) of Daniel J. Hunt and F. Jay Barrows (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 Kurt Stokinger, a retired police officer of the city of Boston. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regarding the disability pension for Kurt Stokinger.

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 Kurt
3 Stokinger, a retired officer of the police department of the city of Boston who, as a result of
4 injuries sustained while in the performance of his duties on January 8, 2016, is totally and
5 permanently incapacitated from performing the essential duties of a police officer.

6 (b) The annual amount of pension payable to Kurt Stokinger 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, Kurt Stokinger'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 Kurt Stokinger shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount
17 of pension equal to 80 percent 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, Kurt Stokinger
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

26 January 8, 2016, in accordance with sections 100 and 100B of chapter 41 of the General
27 Laws.

28 Section 3. Notwithstanding any general or special law to the contrary, the Boston
29 Retirement Board shall forthwith pay to said Kurt Stokinger the amount credited to him as
30 accumulated total deductions in the annuity savings fund of the Boston Retirement Board as of
31 the effective date of this act.

32 Section 4. Notwithstanding any general or special law to the contrary, if Kurt Stokinger
33 was married upon the effective date of this act then, upon his death, if he is still married to the
34 spouse he was married to upon the effective date of this act then, should said spouse survive him,
35 the retirement board of the city of Boston shall pay to said spouse an annuity in the amount of 75
36 percent of the amount of the pension which otherwise would have been payable to Kurt
37 Stokinger until the spouse's death. The pension benefits provided for in this section and section 1
38 shall be subject to section 103 of chapter 32 of the General Laws.

39 Section 5. In the event that both Kurt Stokinger and his spouse to whom he was married
40 on the date of injury both predecease their children before their children reach the age of
41 eighteen the payments that would otherwise have been made to Kurt Stokinger's spouse pursuant
42 to section 4 had he predeceased her shall be payable, per stirpes, to each surviving children under
43 the age of 18; provided, however, that payments shall continue for the benefit of a surviving
44 child 18 years or older who, on or before the date of death of Kurt Stokinger and his spouse to
45 whom he was married on the date of injury, had been medically determined to be permanently
46 physically or mentally incapacitated from earning or for the benefit of a child under the age of 22
47 who is enrolled as a full-time student.

48 Section 6. This act shall take effect as of January 31, 2022.