

HOUSE No. 5387

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 17, 2022.

The committee on Public Service to whom was referred the 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, reports recommending that the accompanying bill (House, No. 5387) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

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**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.

2 (a) Notwithstanding any general or special law to the contrary, the Boston Retirement
3 Board shall increase the accidental disability retirement allowance payable to Kurt Stokinger, a
4 retired officer of the police department of the city of Boston who, as a result of injuries sustained
5 while in the performance of his duties on January 8, 2016, is totally and permanently
6 incapacitated from performing the essential duties of a police officer.

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

12 (c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general
13 or special law to the contrary, Kurt Stokinger's annual earnings, when added to his retirement

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

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

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

23 Section 2.

24 Notwithstanding any general or special law to the contrary, Kurt Stokinger shall be
25 entitled to receive indemnification for all hospital, medical and related expenses that have been
26 or may be incurred after the date of his retirement as a result of the injuries sustained by him
27 while in the performance of his duties on January 8, 2016, in accordance with sections 100 and
28 100B of chapter 41 of the General Laws.

29 Section 3.

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

34 Section 4.

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

42 Section 5.

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

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