

**HOUSE . . . . . No. 5451**

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Substituted, on motion of Mr. Garlick of Needham, for a Bill regarding the disability pension for Harry Jean (House, No. 3757) [Local Approval Received]. December 29, 2022.

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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 Harry Jean administered by the Boston retirement board.

*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 Harry  
3 Jean, a retired officer of the police department of the city of Boston who, as a result of injuries  
4 sustained while in the performance of his duties on August 7, 2013, is totally and permanently  
5 incapacitated from performing the essential duties of a police officer.

6           (b) The annual amount of pension payable to Harry Jean shall be equal to the regular rate  
7 of compensation which would have been paid had he continued in service as a police officer of  
8 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, Harry Jean’s annual earnings, when added to his retirement

13 allowance, may annually earn up to 1/2 the amount of his retirement allowance without refund  
14 penalty.

15 (d) Upon attaining the mandatory retirement age for a police officer of the city of Boston,  
16 Harry Jean shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of  
17 pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day  
18 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, Harry Jean shall  
23 be entitled to receive indemnification for all hospital, medical and related expenses that have  
24 been or may be incurred after the date of his retirement as a result of the injuries sustained by  
25 him while in the performance of his duties on August 7, 2013, in accordance with sections 100  
26 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 Harry Jean the amount credited to him as  
29 accumulated total deductions in the annuity savings fund of the Boston retirement board as of the  
30 effective date of this act.

31 SECTION 4. Notwithstanding any general or special law to the contrary, if Harry Jean  
32 was married upon retirement, upon his death, if he is still married to the spouse he was married  
33 to upon retirement then, should his spouse to whom he was married on the date upon retirement  
34 survive him, the retirement board of the city of Boston shall pay to the spouse an annuity in the

35 amount of 75 per cent of the amount of the pension which otherwise would have been payable to  
36 Harry Jean until the spouse's death. The pension benefits provided for in this section and section  
37 1 shall be subject to section 103 of chapter 32 of the General Laws.

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

47 SECTION 6. This act shall take effect as of January 31, 2022.