

**HOUSE . . . . . No. 5458**

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Substituted, on motion of Mr. Garlick of Needham, for a Bill providing for the retirement of Richard Seibert, a police officer in the city known as the town of Braintree (House, No. 4752) [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 providing for the retirement of Richard Seibert, a police officer in the city known as the town of Braintree.

*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  
2   Braintree retirement board shall retire Richard Seibert, a police officer of the police department  
3   of the town of Braintree who, as a result of injuries sustained while in the performance of his  
4   duties on June 4, 2021, is totally and permanently incapacitated from performing the essential  
5   duties of a police officer.

6           (b) The annual amount of pension payable to Richard Seibert 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 town of Braintree 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 Seibert'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 town of  
16 Braintree, Richard Seibert shall receive a pension pursuant to section 7 of said chapter 32, a  
17 yearly amount of pension equal to 80 per cent of the annual rate of the compensation he was  
18 receiving on the day before he reaches the mandatory retirement age for a police officer in the  
19 town of Braintree.

20 SECTION 2. Notwithstanding any general or special law to the contrary, Richard Seibert  
21 shall be entitled to receive indemnification for all hospital, medical and related expenses that  
22 have been or may be incurred after the date of his retirement as a result of the injuries sustained  
23 by him while in the performance of his duties on June 4, 2021, in accordance with sections 100  
24 and 100B of chapter 41 of the General Laws.

25 SECTION 3. Notwithstanding any general or special law to the contrary, the Braintree  
26 retirement board shall forthwith pay to said Richard Seibert the amount credited to him as  
27 accumulated total deductions in the annuity savings fund of the Braintree retirement board as of  
28 the effective date of this act.

29 SECTION 4. Notwithstanding any general or special law to the contrary, if Richard  
30 Seibert was married on the effective date of this act then, upon his death, if he is still married to  
31 the spouse he was married to upon the effective date of this act, should said spouse survive him,  
32 the retirement board of the town of Braintree shall pay to said spouse an annuity in the amount of

33 75 per cent of the amount of the pension which otherwise would have been payable to Richard  
34 Seibert until the spouse's death. The pension benefits provided for in this section and section 1  
35 shall be subject to section 103 of chapter 32 of the General Laws.

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

45 SECTION 6. This act shall take effect as of October 13, 2022.