

SENATE No. 1756

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 relative to pensions for children of public safety officers killed in the line of duty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/24/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/24/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>2/24/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/24/2021</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>3/1/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/1/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/1/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/1/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/8/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/8/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>4/6/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/6/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>4/13/2021</i>

SENATE No. 1756

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1756) of Michael O. Moore, Jack Patrick Lewis, Angelo J. Puppolo, Jr., Diana DiZoglio and other members of the General Court for legislation relative to pensions for children of public safety officers killed in the line of duty. Public Service.

The Commonwealth of Massachusetts

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

An Act relative to pensions for children of public safety officers killed in the line of duty.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 32 is hereby further amended by striking out section 100, as appearing in the
2 2018 Official Edition, and inserting in place thereof the following section:-

3 Pensions to surviving spouses and children of firefighters, police officers or corrections
4 officers killed in performance of duties

5 Section 100. Notwithstanding any provision of this chapter or any other general or special
6 law to the contrary, if a firefighter while in the performance of the firefighter’s duties and as the
7 result of an accident while responding to or returning from an alarm of fire or any emergency, or
8 as the result of an accident involving a fire department vehicle, which the firefighter is operating
9 or in which the firefighter is riding, or while at the scene of a fire or any emergency is killed or
10 sustains injuries which result in the firefighter’s death, or if a police officer while in the
11 performance of the police officer’s duties and as the result of an assault on the person or as a

12 result of an accident involving a police department vehicle which the officer is operating or in
13 which the officer is riding in the performance of the police officer's duties as a police officer is
14 killed or sustains injuries which result in death, or if a corrections officer while in the
15 performance of the corrections officer's duties and as the result of an assault on the person is
16 killed or sustains injuries which result in death, there shall be paid to the surviving spouse of
17 such firefighter, police officer or corrections officer an annual amount of pension which shall be
18 equal to the amount of salary which would have been paid to such firefighter, police officer or
19 corrections officer had he continued in service in the position held by the firefighter, police
20 officer or corrections officer at the time of death; provided, however, that the amount of pension
21 immediately payable shall be equal to the maximum salary set for the position whether or not
22 such firefighter, police officer or corrections officer had reached the maximum at the time of
23 death. In the event of the death of any surviving spouse eligible to receive a pension under this
24 section, and in case there is any child of such deceased firefighter, police officer or corrections
25 officer, there shall be paid to the legal guardian for the benefit of each such child the sum of
26 three hundred and twelve dollars per annum in addition to a payment equal to seventy-two per
27 cent of the pension which said surviving spouse was receiving at the time of such surviving
28 spouse's death, such payment to be made in proportionate shares to the legal guardian for the
29 benefit of each such child until such time as all such children have attained age eighteen or have
30 attained age 22 if full-time students, and such payment shall continue for the benefit of such
31 children who are over age eighteen and physically or mentally incapacitated from earning. The
32 words "full-time student" shall mean a child who is in full-time attendance in an accredited
33 educational institution offering full-time courses of study equivalent to or higher than secondary
34 school study. The words "accredited educational institution" shall mean any school, college or

35 university that is licensed, approved or accredited, as the case may be, in the state in which it is
36 located.

37 In the event there is no surviving spouse at the time of such firefighter's, police officer, or
38 corrections officer's death, there shall be paid in proportionate shares to the legal guardian of any
39 surviving children of such deceased firefighter, police officer, or corrections officer for the
40 benefit of the child or children an annual amount of pension which shall be equal to the amount
41 of salary which would have been paid to such firefighter, police officer or corrections officer had
42 the person continued in service in the position held by the person at the time of death; provided,
43 however, that the amount of pension immediately payable shall be equal to the maximum salary
44 set for the position whether or not such firefighter, police officer or corrections officer had
45 reached the maximum at the time of the police officer's death. When any such children have
46 attained age 18, payment to that child's legal guardian shall cease and shall instead be paid to the
47 surviving child.

48 The benefits provided by this section shall be in the alternative to the benefits provided
49 by any other section of this chapter; provided, however, that if any such deceased firefighter,
50 police officer or corrections officer was a member of a contributory retirement system
51 established under the provisions of section twenty, any accumulated total deductions credited to
52 the person's account in the annuity savings fund of such system shall be paid in one sum in
53 accordance with the provisions of subdivision (2) of section eleven, to the person's surviving
54 beneficiary or beneficiaries entitled thereto.

55 The benefits payable under this section to the surviving spouse or children of such
56 deceased firefighter, police officer or corrections officer shall be paid as follows:— if the

57 decedent was a member of the state employees' retirement system, the Massachusetts Port
58 Authority employees' retirement system or any county, city or town contributory retirement
59 system, as the case may be, established under the provisions of sections one to twenty-eight,
60 inclusive, or under corresponding provisions of earlier laws, and subject thereto, or any
61 contributory retirement system established for the employees of any governmental unit under the
62 provisions of any special law, from the same appropriation, and in the same manner, as
63 accidental death benefits payable under the provisions of section nine; if the decedent was not a
64 member of a contributory retirement system, from the same appropriation, and in the same
65 manner, as annuities to dependents payable under the provisions of section eighty-nine or section
66 eighty-nine A.

67 If any firefighter, police officer or corrections officer is killed or sustains injuries
68 resulting in death in the manner set forth in this section, and any firefighter, police officer or
69 corrections officer was so killed or sustained such injuries while assisting another governmental
70 unit, pursuant to the provisions of subdivision (4) of section seven, the benefits provided by this
71 section shall be paid to the surviving spouse or children as provided in the preceding paragraph,
72 but the governmental unit which requested such assistance shall annually, on or before January
73 fifteenth, reimburse the governmental unit which had employed such deceased firefighter, police
74 officer or corrections officer in the amount of any benefits paid to the surviving spouse or
75 children during the preceding calendar year.

76 The presumptions created by sections ninety-four, ninety-four A and ninety-four B shall
77 not be applicable to the death of any firefighter, police officer or corrections officer for which a
78 pension is provided under this section.

79 This section shall be administered by the state board of retirement as to employees of the
80 commonwealth or the metropolitan district commission; by the appropriate retirement board,
81 established under section twenty, having jurisdiction in the governmental unit in which any such
82 firefighter or police officer was employed at the time of death; or by the Massachusetts Bay
83 Transportation Authority police retirement board; or if such firefighter, police officer, or
84 corrections officer was employed by a town and was not a member of any contributory
85 retirement system, by the board of selectmen of such town.

86 For purposes of this section, the word "firefighter" shall include members of the
87 Massachusetts military reservation fire department.

88 For purposes of this section, the word "firefighter" shall include members of the 104th
89 fighter wing fire department.

90 For purposes of this section, the word "firefighter" shall include members of the Devens
91 fire department established pursuant to chapter 498 of the acts of 1993.