

**SENATE . . . . . No. 1711**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Patrick M. O'Connor***

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*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 allowing Joseph Barbati, a retired member of the Massachusetts Trial Court, an accidental disability retirement option.

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PETITION OF:

NAME:

*Patrick M. O'Connor*

DISTRICT/ADDRESS:

*First Plymouth and Norfolk*

**SENATE . . . . . No. 1711**

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1711) of Patrick M. O'Connor for legislation to allow Joseph Barbati, a retired member of the Massachusetts Trial Court, an accidental disability retirement option. Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4620 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act allowing Joseph Barbati, a retired member of the Massachusetts Trial Court, an accidental disability retirement option.

*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. Notwithstanding chapter 32 of the General Laws or any other general or  
2 special law to the contrary affecting the noncontributory or contributory retirement system in the  
3 commonwealth, the Massachusetts Trial Court Officer Retirement System shall allow Joseph  
4 Barbati, a retired member, the option to receive accidental disability retirement from any  
5 condition of impairment of health caused by severe depression and anxiety disorder accompanied  
6 by post-traumatic stress disorder resulting in total or partial disability and that such disability be  
7 presumed to have been suffered in the course of his employment. The retirement board shall pay  
8 Joseph Barbati accidental disability retirement benefits as of the effective date of this act for the  
9 remainder of his retirement. Joseph Barbati shall notify the board of his decision on the option  
10 granted by this act within 90 days of the effective date of this act.

11           SECTION 2. The payments provided for in this act shall only be made when Joseph  
12 Barbati has been examined by a medical panel, pursuant to section 6 of chapter 32 of the General  
13 Laws, in which a majority of the physicians have certified to the retirement board that the  
14 member is mentally or physically incapacitated from further duty and that such incapacity is  
15 likely to be permanent, and that the disability is such as might be the natural and proximate result  
16 of the accident or hazard undergone on account of which retirement is claimed; provided,  
17 however, that the public employee retirement administration commission may, upon request,  
18 waive such examination if the member has already been approved by a medical panel and the  
19 board and is receiving a disability benefit as of the effective date of this act. The commission  
20 shall promptly notify the retirement system of such waiver.

21           SECTION 3. This act shall take effect upon its passage.