

SENATE No. 2887

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, July 22, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill relative to disability pensions and critical incident stress management for violent crimes (House, No. 4746) (also based on Senate, No. 1680); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2887.

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

1 SECTION 1. Section 1 of chapter 32 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the definition of “Veteran” the following
3 definition:-

4 “Violent act injury”, a catastrophic, life-threatening or life-altering and permanent bodily
5 injury sustained as a direct and proximate result of a violent attack upon a person by means of a
6 dangerous weapon, which is designed for the purpose of causing serious injury or death,
7 including, but not limited to, a firearm, knife, automobile or explosive device.

8 SECTION 2. Section 7 of said chapter 32, as so appearing, is hereby amended by striking
9 out subdivision (1) and inserting in place thereof the following subdivision:-

10 (1) Conditions for Allowance. – Any member in service classified in Group 1, Group 2 or
11 Group 4 or any member in service classified in Group 3 to whom the provisions of subdivision
12 (2) of section 26 are not applicable, who is unable to perform the essential duties of the
13 member’s job and that such inability is likely to be permanent before attaining the maximum age
14 for the member’s group by reason of a personal injury or violent act injury sustained or a hazard
15 undergone as a result of, and while in the performance of, the member’s duties at some definite
16 place and at some definite time on or after the date of becoming a member or prior to such date

17 while any provision of this chapter relating to noncontributory pensions was applicable to the
18 member, without serious and willful misconduct on the member's part, upon the member's
19 written application on a prescribed form filed with the board and the member's respective
20 employer or upon such an application by the head of the member's department after a hearing, if
21 requested, as provided for in subdivision (1) of section 16 and subject to the conditions set forth
22 in said section 16 and in this section, shall be deemed retired for an accidental disability as of a
23 date which shall be specified in such application and which shall be not less than 15 days nor
24 more than 4 months after the filing of such application but in no event later than the maximum
25 age for the member's group. Except as provided for in subdivision (3), no such retirement shall
26 be allowed unless such injury or violent act injury was sustained or such hazard was undergone
27 within 2 years prior to the filing of such application or, if occurring earlier, unless written notice
28 thereof was filed with the board by such member or on the member's behalf within 90 days after
29 its occurrence. No retirement under this subsection shall be allowed unless the board, after a
30 review of the evidence it deems appropriate, and after a review by the commission, pursuant to
31 the provisions of section 21, and including in any event on examination by the regional medical
32 panel provided for in subdivision (3) and including a certification of such incapacity by a
33 majority of the physicians on such medical panel, shall find that such member is unable to
34 perform the essential duties of the member's job and that such inability is likely to be permanent
35 and that the member should be so retired; provided, however, that no retirement due to a violent
36 act injury shall be allowed unless the board, after a review of the evidence it deems appropriate,
37 and after a review by the commission, pursuant to section 21, and including in any event on
38 examination or re-examination by the regional medical panel provided for in subdivision (3) and
39 including a certification of such incapacity by a majority of the physicians on such medical

40 panel, shall find that such member is physically unable to perform the essential duties of the
41 member's job because of a violent act injury and that such inability is likely to be permanent and
42 that the member should be so retired. Any member who was injured while a member of a
43 retirement system established in any governmental unit other than that by which the member is
44 presently employed, and who has complied with the provisions of this section as to notice, or
45 whose case falls under subdivision (3), shall file such application with the retirement board of the
46 unit where the member is presently employed. Such board shall secure a statement of facts and
47 records, which it shall be the duty of the retirement board of the first governmental unit to
48 furnish, and on which it shall be entitled to make recommendations.

49 Prior to the determination of a retirement under this section, a member shall submit to the
50 retirement board a written statement authorizing release of information from the federal internal
51 revenue service and the department of revenue relative to the annual gross earned income of the
52 member pursuant to an agreement between the federal internal revenue service, the department
53 of revenue and the public employee retirement administration commission in accordance with
54 section 91A.

55 SECTION 3. Paragraph (a) of subdivision (2) of said section 7 of said chapter 32, as so
56 appearing, is hereby amended by adding the following clause:-

57 (iv)(A) Notwithstanding clauses (i) to (iii), inclusive, a yearly amount of pension for any
58 firefighter, any call, volunteer, auxiliary, intermittent or reserve firefighter, any call, volunteer,
59 auxiliary, intermittent or reserve emergency medical services provider who is a member of a
60 police or fire department and who is not subject to chapter 152, any police officer, any auxiliary,
61 intermittent, special, part-time or reserve police officer or any municipal or public emergency

62 medical technician or licensed health care professional who is unable to perform the essential
63 duties of the member's job by reason of a violent act injury, paid monthly, shall be equal to 100
64 per cent of their regular compensation, including all applicable benefits and stipends, that the
65 member was earning on the date of such violent act injury, as defined in section 1. The annual
66 amount of pension payable to such member shall be equal to the regular rate of compensation,
67 which the member would have been paid had the member continued in service at the grade held
68 by the member at the time of their retirement until their death or reaching mandatory retirement
69 age, whichever comes first; provided, however, that, if the member reaches the mandatory
70 retirement age, the member shall be entitled thereafter to 80 per cent of the average annual rate
71 of compensation paid to the member in the previous 12 months, including any cost of living
72 increases, as defined in sections 102 and 103. Upon retirement, the member shall receive a lump
73 sum payment from the applicable retirement board equal to the member's total accumulated
74 retirement deductions. In the event that the member predeceases their spouse, the member's
75 spouse shall be entitled to 75 per cent of the member's annual pension, paid monthly, as long as
76 such spouse shall live; provided, however, that, when the member would have reached the
77 mandatory retirement age, the member's spouse shall continue to be entitled to 75 per cent of the
78 member's annual pension, including any cost of living increases, as defined in sections 102 and
79 103, that the member would have received upon reaching the mandatory retirement age; and
80 provided further, that if a beneficiary is eligible for benefits under this section and under option
81 (c) of section 12, the beneficiary shall elect to receive either a benefit under option (c) or a
82 benefit pursuant to this section but shall not be eligible for both benefits. If the member and the
83 member's spouse predecease their children, the member's surviving unmarried children, if any,
84 who are under age 18, or under age 22 and are full-time students at an accredited educational

85 institution, or who are over age 18 and physically or mentally incapacitated from earning income
86 on the date of such member's retirement, shall be entitled to receive a pension of equal
87 proportion, paid monthly, which shall total 75 per cent of the amount of the pension payable to
88 the member at the time of their death. When a child no longer meets the qualifications for receipt
89 of a pension allocation under this section, said child's pension allocation shall cease and any
90 remaining qualified children shall continue to receive the same amount each received before any
91 child's allocation ceased. The words "full-time student" and "accredited educational institutions"
92 shall have the same meanings as defined in clause (iii).

93 (B) Any member eligible to receive a pension under this clause shall be indemnified for
94 all hospital, medical and other healthcare expenses, not otherwise covered by health insurance,
95 related to treatment of injuries that have been or may be incurred after the date of the member's
96 retirement as a result of the injuries sustained by the member relating to the violent act injury
97 while in the performance of the member's duties.

98 (C) Notwithstanding the hours and earnings limitations of section 91 or 91A or any other
99 general or special law to the contrary, the annual earnings of a member receiving benefits under
100 this clause from employment in the service of the commonwealth or a county, city, town, district
101 or authority, including as a consultant or independent contractor or as a person whose regular
102 duties require that their time be devoted to the service of the commonwealth, county, city, town,
103 district or authority during regular business hours, may equal up to ½ the amount of their
104 retirement allowance without refund penalty. Such member shall not be eligible for employment
105 under Groups 3 and 4 of the retirement system while receiving benefits for accidental disability
106 retirement outlined under this clause. A member who is receiving benefits under this clause may
107 be employed by a private entity or in the private sector without refund penalty; provided,

108 however, that their service is not devoted to the commonwealth or a county, city, town, district or
109 authority. Nothing in this section shall prohibit a member under this clause, or such member's
110 eligible spouse or children, from receiving additional retirement benefits not required by this
111 clause.

112 SECTION 4. Said section 7 of said chapter 32, as so appearing, is hereby further
113 amended by adding the following subdivision:-

114 (7) Critical Incident Stress Management. – Any firefighter, any call, volunteer, auxiliary,
115 intermittent or reserve firefighter, any call, volunteer, auxiliary, intermittent or reserve
116 emergency medical services provider who is a member of a police or fire department and who is
117 not subject to chapter 152, any police officer, any auxiliary, intermittent, special, part-time or
118 reserve police officer or any municipal or public emergency medical technician following any
119 incident involving exposure to actual or threatened death, serious injury or sexual violence as set
120 forth in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders, or
121 any other incident reasonably warranting a critical incident stress management debriefing, as
122 determined by an emergency service provider certified by the Massachusetts Peer Support
123 Network or the International Critical Incident Stress Foundation, Inc., shall receive notice of
124 critical incident stress management debriefing programs, including the location and times for the
125 program and contact information.