

**HOUSE . . . . . No. 1724**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carmine Lawrence Gentile*

*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 to modernize public liability.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/7/2025</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/20/2025</i>

**HOUSE . . . . . No. 1724**

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By Representative Gentile of Sudbury, a petition (accompanied by bill, House, No. 1724) of Carmine Lawrence Gentile for legislation to further regulate public liability. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act to modernize public liability.

*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. Section 18 of chapter 81 of the General Laws is hereby repealed.

2           SECTION 2. Section 15 of chapter 84 of the General Laws is hereby repealed.

3           SECTION 3. Chapter 258 of the General Laws is hereby amended by striking out  
4 sections 1 to 14, inclusive, and inserting in place thereof the following sections:-

5           Section 1. As used in this chapter, the following words shall, unless the context clearly  
6 requires otherwise, have the following meanings:

7           “Acting within the scope of office or employment”, every person acting within the scope  
8 of that person’s employment and acting in the performance of any lawfully ordered military  
9 duty, in the case of an officer or soldier of the military forces of the commonwealth.

10          “Executive officer of a public employer”, the secretary of an executive office of the  
11 commonwealth or in the case of an agency not within the executive office; the attorney general;

12 the adjutant general of the military forces of the commonwealth; the county commissioners of a  
13 county; the mayor of a city or as designated by the charter of the city; the select board of a town  
14 or as designated by the charter of the town; and the board, directors or committee of a district in  
15 the case of the public employers of a district, in the case of the Massachusetts Bay  
16 Transportation Authority, its general manager and rail and transit administrator and in the case of  
17 any other public employer, the nominal chief executive officer or board.

18 "Public attorney", the attorney who shall defend all civil actions brought against a public  
19 employer pursuant to this chapter. In the case of: (i) the commonwealth, it shall be the attorney  
20 general; (ii) any county, it shall be the district attorney as designated in sections 12 and 13 of  
21 chapter 12; (iii) a city or town, it shall be the city solicitor or town counsel or if the town has no  
22 such counsel, an attorney employed for the purpose by the select board; (iv) a district, it shall be  
23 an attorney legally employed by the district for that purpose; and (v) the Massachusetts Bay  
24 Transportation Authority, the attorney shall be the general counsel. A public attorney may also  
25 be an attorney furnished by an insurer obligated under the terms of a policy of insurance to  
26 defend the public employer against claims brought pursuant thereto.

27

28 "Public employee", elected or appointed, officers or employees of any public employer,  
29 whether serving full or part-time, temporary or permanent, compensated or uncompensated and  
30 officers or soldiers of the military forces of the commonwealth. For purposes of this chapter, the  
31 term public employee shall include an approved or licensed foster caregiver with respect to  
32 claims against such caregiver by a child in the temporary custody and care of such caregiver or  
33 an adult in the care of such caregiver for injury or death caused by the conduct of such caregiver;

34 provided, however, that such conduct was not intentional, wanton and willful, or grossly  
35 negligent. For this purpose, a caregiver of adults means a member of a foster family, or any other  
36 individual, who is under contract with an adult foster care provider as defined and certified by  
37 the division of medical assistance.

38 “Public employer”, the commonwealth and any county, city, town, educational  
39 collaborative or district, including the Massachusetts Department of Transportation, the  
40 Massachusetts Bay Transportation Authority, any duly constituted regional transit authority and  
41 the Massachusetts Turnpike Authority and any public health district or joint district or regional  
42 health district or regional health board established pursuant to the provisions of sections 27A or  
43 27B of chapter 111 and any department, office, commission, committee, council, board, division,  
44 bureau, institution, agency or authority thereof, including a local water and sewer commission, a  
45 municipal gas or electric plant, a municipal lighting plant or cooperative that operates a  
46 telecommunications system pursuant to section 47E of chapter 164, department, board and  
47 commission, which exercises direction and control over the public employee, but not a private  
48 contractor with any such public employer, the Massachusetts Port Authority or any other  
49 independent body politic and corporate. With respect to public employees of a school committee  
50 of a city or town, the public employer for the purposes of this chapter shall be deemed to be said  
51 respective city or town.

52 “Serious personal injury”, bodily injury that results in a permanent or temporary  
53 disfigurement or loss or impairment of a bodily function, limb or organ, debilitating emotional or  
54 psychological harm or for which medical costs or lost wages exceed \$2,500.00 or death.

55           “Serious property damage or financial harm”, damage to the property of any person,  
56 corporation or other legally created entity of a value of greater than \$2,500 provided however  
57 that this minimum limit shall not apply to motor vehicles or personal residences or loss or money  
58 or property.

59           Section 2. All persons harmed by the commonwealth or by any city, town, county or any  
60 other governmental agency or their employees or agents shall be entitled to prompt, fair and  
61 reasonable compensation for their losses. No officers, employees or agents of any city, town,  
62 county or any other governmental agency shall be personally liable for any such claims and shall  
63 be indemnified for their losses and defense costs by their employer; provided, however, there  
64 shall be no right to indemnification if the acts at issue were knowing, willful, intentional, corrupt  
65 or committed with wanton disregard for the lives or safety of others. Employers shall have the  
66 discretion to indemnify employees for acts that were knowing, willful, intentional or committed  
67 with wanton disregard for the lives or safety of others. Any collective bargaining agreement  
68 requiring indemnification for such acts shall be null, void and unenforceable.

69           Section 3. (a) Public employers shall be liable for injury or loss of property or personal  
70 injury or death caused by the negligent or wrongful act or omission of any public employee  
71 while acting within the scope of that person’s office or employment, in the same manner and to  
72 the same extent as a private individual under like circumstances, except that public employers  
73 shall not be liable to levy of execution on any real and personal property to satisfy judgment  
74 except as provided for herein, and shall not be liable for punitive damages. The remedies  
75 provided by this chapter shall be exclusive of any other civil action or proceeding by reason of  
76 the same subject matter against the public employer or the public employee or their estates  
77 whose negligent or wrongful act or omission gave rise to such claim and no such public

78 employee or the estate of such public employee shall be liable for any injury or loss of property  
79 or personal injury or death caused by the employee's negligent or wrongful act or omission while  
80 acting within the scope of that employee's office or employment except as provided for herein;  
81 provided, however, that a public employee shall provide reasonable cooperation to the public  
82 employer in the defense of any action brought under this chapter. Failure to provide such  
83 reasonable cooperation on the part of a public employee shall cause the public employee to be  
84 jointly liable with the public employer to the extent that the failure to provide reasonable  
85 cooperation prejudiced the defense of the action. Information obtained from the public employee  
86 in providing such reasonable cooperation may not be used as evidence in any disciplinary action  
87 against the employee. Final judgment in an action brought against a public employer under this  
88 chapter shall constitute a complete bar to any action by a party to such judgment against such  
89 public employer or public employee by reason of the same subject matter. The prevailing  
90 plaintiff may undertake all actions necessary to enforce a final judgment.

91 (b) Notwithstanding that a public employee shall not be liable for negligent or wrongful  
92 acts as described in the preceding subsection, if a cause of action is improperly commenced  
93 against a public employee of the commonwealth alleging injury or loss of property or personal  
94 injury or death as the result of the negligent or wrongful act or omission of such employee, said  
95 employee may request representation by the public attorney of the commonwealth. The public  
96 attorney shall defend the public employee with respect to the cause of action at no cost to the  
97 public employee; provided, however, that the public attorney determines that the public  
98 employee was acting within the scope of the employee's office or employment at the time of the  
99 alleged loss, injury or death and; provided further, that said public employee provides reasonable  
100 cooperation to the public employer and public attorney in the defense of any action arising out of

101 the same subject matter. If, in the opinion of the public attorney, representation of the public  
102 employee, under this subsection would result in a conflict of interest, the public attorney shall  
103 not be required to represent the public employee. Under said circumstances, the commonwealth  
104 shall reimburse the public employee for reasonable attorney fees incurred by the public  
105 employee in defense of the cause of action; provided, however, that the same conditions exist  
106 that are required for representation of said employee by the public attorney under this subsection.

107 (c) Notwithstanding the foregoing, a public employee may be held personally liable for  
108 causing harm: (i) intentionally; or (ii) by knowingly, wantonly and in willful disregard of the  
109 lives, safety or property of any person.

110 Section 4. (a) All civil actions brought against a public employer on a claim for damages  
111 cognizable under this chapter shall be brought in the county where the claimant resides or in the  
112 county where such public employer is situated, except that in the case of the commonwealth such  
113 civil actions shall be brought in the county where the claimant resides or in Suffolk county. The  
114 superior court shall have jurisdiction of all civil actions brought against a public employer. The  
115 district court and housing court shall have jurisdiction of actions brought against housing  
116 authorities pursuant to sections 21 to 25, inclusive, of chapter 218. The district court shall also  
117 have jurisdiction for all claims having a value of less than \$100,000. The district court shall  
118 have jurisdiction and procedures shall be available to claimants whose claims have a value of  
119 less than \$7,000.

120 (b) In the event that a suit is filed in the wrong court, the court shall transfer the suit to  
121 the court having actual jurisdiction and the court shall promptly give notice to all parties.

122           Section 5. (a) Any person who claims to have suffered injury or harm due to the  
123 negligence, acts or omissions of a public employee may commence an action in the courts of the  
124 commonwealth by filing a complaint. There shall be no requirement to make a presentment prior  
125 to filing suit. Service of process shall be made, in the case of: (i) a city on the mayor, city clerk,  
126 city counsel or public attorney; (ii) a town on the town manager, chair of the select board, town  
127 clerk, public attorney or town counsel; (iii) the Massachusetts Port Authority and the  
128 Massachusetts Bay Transportation Authority on the chief executive officer, agency counsel,  
129 public attorney or chair of the board of directors; and (iv) any other agency or board on its chief  
130 executive officer or general counsel. It shall not be a defense that service was not made on the  
131 proper person within a public employer so long as that entity has been given actual notice of the  
132 suit.

133           (b) No civil action may be brought more than 3 years after the date that the cause of  
134 action accrued; provided, however, that an action that relates to the sexual abuse of a minor, as  
135 defined in section 4C of chapter 260, shall be governed by section 4C½ of said chapter 260.

136

137           (c) Upon receipt of service of process, a public employer may answer in the ordinary  
138 course, file a certificate of investigation and obtain a stay of the duty to answer for 90 days or file  
139 a request for mediation and obtain a stay for 120 days. If the public employer files a request for  
140 mediation, it shall provide the plaintiff with all information and documents it has concerning the  
141 matter at issue and arrange for a mediation with any court certified mediation program or before  
142 a mutually agreed upon independent mediator. In any mediation, the public employer shall  
143 bargain in good faith demonstrating integrity and honesty for the purposes of arriving at a fair

144 and reasonable resolution. The time for mediation may be extended for not more than 90 days by  
145 a request made by all parties. If mediation causes a settlement to be achieved, the parties shall  
146 file a joint motion for entry of judgment and the issuance of an execution. No confidentiality  
147 terms may be included in any settlement agreement; provided, however, that a court may  
148 impound all or part of the information provided if the court is convinced that there is a  
149 compelling need for confidentiality. All information about the identity of a child who was the  
150 victim of sexual abuse shall be impounded. After the answer is filed or the expiration of any stay,  
151 the public employer shall answer and discovery shall proceed in the ordinary course. No public  
152 employer or public employee may require arbitration of any issue or claim arising under this  
153 chapter and any contract or agreement purporting to require arbitration shall be null, void and  
154 unenforceable.

155 (d) If the attorney general or any district attorney reasonably believes that discovery as to  
156 a claim would: (i) impair a pending criminal investigation or prosecution; (ii) reveal confidential  
157 methods and means of the investigation; or (iii) reveal the identity of confidential informants, the  
158 attorney general or any district attorney may intervene in an action pending under this chapter  
159 and ask the court to stay discovery and the trial date for not more than 1 year. The attorney  
160 general and any district attorney shall have the burden of persuading the court that the public  
161 interest requires a stay and may make in camera submissions to the court to attempt to meet that  
162 burden. A stay so entered may be extended for a period of 1 additional year for good cause  
163 shown. The court may also enter such protective orders as the interests of justice might require if  
164 it is persuaded by clear and convincing evidence of the need for such an order.

165 (f) The provisions of this section shall not apply to such claims as may be asserted by  
166 third-party complaint, cross-claim or counter-claim or to small claims brought against housing

167 authorities pursuant to sections 21 to 25, inclusive, of chapter 218; provided, however, that no  
168 small claim shall be brought against a housing authority more than 3 years after the date upon  
169 which the cause of action arose.

170         Section 6. (a) The executive officer of a public employer may mediate, compromise or  
171 settle any claim for damages under this chapter; provided, that any award, compromise or  
172 settlement in excess of \$2,500 shall be made only with the prior approval of the public attorney  
173 for such public employer; provided, however, that in any case where the public employer is the  
174 commonwealth, any award, compromise or settlement in excess of \$20,000 shall be made only  
175 with the prior approval of the secretary of administration and finance. A person designated by the  
176 public attorney or secretary of administration and finance having actual authority to make  
177 settlements and commit to the entry of a final judgment shall attend all mediations either in  
178 person or virtually and said person shall be required to bargain in good faith. In the event that a  
179 public employer fails to attend or bargain in good faith then the claimant may apply to the court  
180 for such sanctions, costs, expenses and legal fees as may be appropriate and a court may impose  
181 those to obtain compliance with this chapter and deter misconduct.

182         (b) The acceptance by the claimant of any such award, compromise or settlement  
183 approved by the court shall be in writing and shall, except when procured by fraud, be final and  
184 conclusive on the claimant and shall constitute a complete release of any claim against the public  
185 employer or against the public employee whose negligent or wrongful act or omission gave rise  
186 to such a claim and a complete bar to any action by the claimant against such public employer or  
187 public employee, by reason of the same subject matter; provided, however, if the public  
188 employer or public employee is found to have committed fraud or to have withheld evidence  
189 helpful to a claimant, the claimant may petition to set aside the settlement reopen the case. The

190 claimant seeking to set aside a settlement shall have the burden of persuade the court by clear  
191 and convincing evidence that the misconduct occurred and that it materially impaired the  
192 claimant's ability to prove the case.

193

194           Section 7. The public attorney shall defend all civil actions brought against a public  
195 employer or public employee of the commonwealth pursuant to this chapter. If the public  
196 attorney has a conflict of interest, the employer shall retain independent counsel and pay that  
197 attorney's reasonable fees and costs. If a public employee is sued for claims as to which there is  
198 no right of indemnification that employee may retain counsel of the employee's choosing and at  
199 the employee's expense. The employee's attorney shall take over the defense or at the discretion  
200 of the public attorney and so long as no conflict of interest exists, act as co-counsel.

201           Section 8. (a) Any award, compromise or settlement of a civil action brought under this  
202 chapter in excess of \$20,000 that has been approved by a public attorney for a public employer  
203 or, in the case where the public employer is the commonwealth, approved by the secretary of  
204 administration and finance, shall be made final only after approval of same by a judge of the  
205 superior court, district court or housing court having jurisdiction over the action; provided,  
206 however, a judge shall approve all settlements arrived at during mediations attended by persons  
207 designated by the public attorney or secretary of administration and finance and authorized by  
208 said persons; provided further, no judge shall approve any settlement obtained by fraud,  
209 deception, coercion or threats and any claimant who contends that such misconduct occurred  
210 may raise such matters at any hearing to approve a settlement. A final judgment and execution  
211 shall be entered in accordance with an approved settlement.

212 (b) The acceptance by the claimant of any such award, compromise or settlement shall be  
213 in writing and shall, except when procured by fraud, deception, coercion or threats, be final and  
214 conclusive on the claimant and shall constitute a complete release of any claim against the public  
215 employer or against the public employee whose negligent or wrongful act or omission gave rise  
216 to such claim and a complete bar to any action by the claimant against such public employer or  
217 public employee, by reason of the same subject matter.

218 (c) In the event that a public employer or person not entitled to indemnification fails to  
219 pay the full amount of any settlement or judgment, the claimant may apply to the court to enforce  
220 the settlement or judgment. In the event that the settlement or judgment is against a public  
221 employer, the court may order the sheriff of the county that the public employer is located to  
222 levy against the accounts of said public employer and seize the funds necessary to satisfy the  
223 settlement or judgment. In the event that a settlement or judgment is against a person not entitled  
224 to indemnification then the claimant shall have all rights accorded to a judgment creditor.

225 Section 9. The attorney general shall be responsible for procuring insurance for all public  
226 employers. The costs of this coverage shall be allocated ratably and proportionally to the  
227 commonwealth, cities, towns, counties and all other public employers. The attorney general shall  
228 be responsible for managing the handling of all claims made under this chapter and shall be  
229 responsible for requiring the insurer to handle claims fairly, reasonably and promptly in  
230 accordance with the intent of this chapter. If the attorney general determines that it would be  
231 more efficient and fair to manage claims and comply with this chapter's intent by creating,  
232 managing and operating a self-insurance program, then the attorney general may create a self-  
233 insurance program, set reserves, manage claims and handle them in accordance with the intent of  
234 this chapter. The costs of the self-insurance program shall be allocated ratably and proportionally

235 to the commonwealth, cities, towns, counties and all other public employers. The attorney  
236 general shall have the authority to promulgate regulations to establish bidding criteria,  
237 specifications and protocols for awarding contracts for insurance or to promulgate regulations to  
238 operate a self-insurance program. Any insurer selected to insure against claims shall be required  
239 to provide for the prompt, fair and reasonable resolution of claims and lawsuits understanding  
240 that the intended beneficiaries of the insurance program are those who have been injured. Any  
241 self-insurance program shall have the same goals and attorney general shall be responsible for  
242 the accomplishment of those goals.

243           Section 10. (a) Public employers may indemnify public employees and the  
244 commonwealth shall indemnify persons holding office under the constitution, from personal  
245 financial loss, all damages and expenses, including legal fees and costs, if any, in an amount not  
246 to exceed \$10,000,000 arising out of any claim, action, award, compromise, settlement or  
247 judgment by reason of an intentional tort or by reason of any act or omission that constitutes a  
248 violation of the civil rights of any person under any federal or state law, if such employee or  
249 official or holder of office under the constitution at the time of such intentional tort or such act or  
250 omission was acting within the scope of official duties or employment. No such employee or  
251 official, other than a person holding office under the constitution acting within the scope of that  
252 employee's official duties or employment, shall be indemnified under this section for violation of  
253 any such civil rights if he acted in an intentional, grossly negligent, willful or malicious manner.

254           (b) For purposes of this section, persons employed by a joint health district, regional  
255 health district or regional board of health, as defined by sections 27A and 27B of chapter 111,  
256 shall be considered employees of the city or town in which said incident, claim, suit or judgment  
257 is brought pursuant to the provisions of this chapter.

258           Section 11. (a) If, in the event a suit is commenced against a member of the state police  
259 or an employee represented by state bargaining unit five, by reason of a claim for damages  
260 resulting from an alleged intentional tort or by reason of an alleged act or failure to act that  
261 constitutes a violation of the civil rights of any person under federal or state law, the  
262 commonwealth, at the request of the affected police officer, shall provide for the legal  
263 representation of said police officer.

264           (b) The commonwealth shall indemnify members of the state police or an employee  
265 represented by state bargaining unit five, respectively, from all personal financial loss and  
266 expenses, including but not limited to legal fees and costs, if any, in an amount not to exceed  
267 \$10,000,000 arising out of any claim, action, award, compromise, settlement or judgment  
268 resulting from any alleged intentional tort or by reason of an alleged act or failure to act that  
269 constitutes a violation of the civil rights of any person under federal or state law; provided,  
270 however, that this section shall apply only where such alleged intentional tort or alleged act or  
271 failure to act occurred within the scope of the official duties of such police officer.

272           (c) No member of the state police or an employee represented by state bargaining unit  
273 five shall be indemnified for any violation of federal or state law if such member or employee  
274 acted in a willful, wanton or malicious manner.

275           Section 12. The provisions of sections 1 to 9, inclusive, shall not apply to:

276           (a) any claim based upon an act or omission of a public employee when such employee is  
277 exercising due care in the execution of any statute or any regulation of a public employer, or any  
278 municipal ordinance or by-law, whether or not such statute, regulation, ordinance or by-law is  
279 valid;

280 (b) any claim arising in respect of the assessment or collection of any tax or the lawful  
281 detention of any goods or merchandise by any law enforcement officer in accordance with a duly  
282 authorized court order or writ of execution;

283 (c) any claim based upon the issuance, denial, suspension or revocation or failure or  
284 refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or  
285 similar authorization unless based on intentional wrongdoing;

286 (d) any claim based upon the failure to inspect, or an inadequate or negligent inspection,  
287 of any property, real or personal, to determine whether the property complies with or violates  
288 any law, regulation, ordinance or code, or contains a hazard to health or safety, except as  
289 otherwise provided in clause (i) of subparagraph (j);

290 (e) any claim based upon the failure to establish a fire department or a particular fire  
291 protection service, or if fire protection service is provided, for failure to prevent, suppress or  
292 contain a fire, or for any acts or omissions in the suppression or containment of a fire, but not  
293 including claims based upon the negligent operation of motor vehicles or as otherwise provided  
294 in clause (i) of subparagraph (j);

295 (f) any claim based upon the failure to establish a police department or a particular police  
296 protection service, or if police protection is provided, for failure to provide adequate police  
297 protection, prevent the commission of crimes, investigate, detect or solve crimes, identify or  
298 apprehend criminals or suspects, arrest or detain suspects, or enforce any law, but not including  
299 claims based upon the negligent operation of motor vehicles, negligent protection, supervision or  
300 care of persons in custody, or as otherwise provided in clause (i) of subparagraph (j);

301 (g) any claim based upon the release, parole, furlough or escape of any person, including  
302 but not limited to: a prisoner, inmate, detainee, juvenile, patient or client, from the custody of a  
303 public employee or employer or their agents, unless gross negligence is shown in allowing such  
304 release, parole, furlough or escape;

305 (h) any claim based on the actions of judges, clerks, assistant clerks or employees of the  
306 judicial branch except for criminal acts or violations of their oaths of office or for their  
307 negligence in the operation of motor vehicles;

308 (i) any claims based on the actions of prosecutors employed by the Commonwealth or  
309 any county for actions in the performance of their duties or the exercise of discretion afforded to  
310 them by operation law except for criminal acts, the intentional withholding of exculpatory  
311 evidence, suborning perjury or for their negligence in the operation of motor vehicles;

312 (j) any claim based on an act or failure to act to prevent or diminish the harmful  
313 consequences of a condition or situation, including the violent or tortious conduct of a third  
314 person, which is not originally caused by the public employer or any other person acting on  
315 behalf of the public employer. This exclusion shall not apply to:

316 (i) any claim based upon explicit and specific assurances of safety or assistance, beyond  
317 general representations that investigation or assistance will be or has been undertaken, made to  
318 the direct victim or a member of that person's family or household by a public employee,  
319 provided that the injury resulted in part from reliance on those assurances. A permit, certificate  
320 or report of findings of an investigation or inspection shall not constitute such assurances of  
321 safety or assistance;

322 (ii) any claim based upon the intervention of a public employee that causes injury to the  
323 victim or places the victim in a worse position than he was in before the intervention;

324 (iii) any claim based on negligent maintenance of public property; and

325 (iv) any claim by or on behalf of a patient for negligent medical or other therapeutic  
326 treatment received by the patient from a public employee.

327 Nothing in this section shall be construed to modify or repeal the applicability of any  
328 existing statute that limits, controls or affects the liability of public employers or entities except  
329 as provided for herein.

330 Section 13. If the judgment in any action brought under this chapter is in favor of the  
331 public employer, judgment for costs and execution thereon may issue in favor of the public  
332 employer, if the court finds the action brought by the claimant to have been frivolous or in bad  
333 faith, and final judgment on the action shall be a bar to any other or further action being brought  
334 on the same claim or subject matter. If the judgment in any action is in favor of the claimant and  
335 the court finds that the public employer has acted frivolously or in bad faith then the court shall  
336 award the claimant reasonable legal fees and costs. The provisions pursuant to section 6 of  
337 chapter 231 shall apply to this section.

338 Section 14. Claims against the commonwealth or any public employer, except as  
339 otherwise expressly provided in this chapter or by any general or special provision of law, may  
340 be enforced in the superior court or in the district court that adjudicated a matter.

341 Section 15. (a) Any city or town that accepted section 100I of chapter 41 on or before  
342 July 20th, 1978, and any other city that accepts this section according to its charter, and any town

343 that accepts this section in the manner hereinafter provided in this section shall indemnify and  
344 save harmless municipal officers, elected or appointed from personal financial loss and expense  
345 including reasonable legal fees and costs, if any, in an amount not to exceed \$10,000,000, arising  
346 out of any claim, demand, suit or judgment by reason of any act or omission, except an  
347 intentional violation of civil rights of any person, if the official at the time of such act or  
348 omission was acting within the scope of the employee's official duties or employment.

349 (b) This section shall be submitted for acceptance to the voters of each town at an annual  
350 town meeting in the form of the following question that shall be placed on the official ballot to  
351 be used for the election of town officers at said meeting:

352 "Shall the town vote to accept the provisions of section 13 of chapter 258 of the General  
353 Laws that provides that the town shall indemnify and save harmless municipal officers, elected  
354 or appointed, from personal financial loss and expense including reasonable legal fees and costs,  
355 if any, in an amount not to excess of \$10,000,000, arising out of any claim, demand, suit or  
356 judgment by reason of any act or omission except an intentional violation of civil rights of any  
357 person under any law, if the official at the time of such act or omission was acting within the  
358 scope of the employee's official duties or employment?"

359 If a majority of the votes in answer to said question is in the affirmative, said provisions  
360 shall thereupon take full effect, but not otherwise.

361 Section 16. For the purpose of satisfying liens for past due child support, securing  
362 repayment of public assistance benefits and past taxes, a public employer shall comply with  
363 sections 24D, 24E and 24F of chapter 175 and any regulations promulgated thereunder in the

364 same manner as if it were a company authorized to issue policies of insurance pursuant to said  
365 chapter 175.