

HOUSE No. 3890

The Commonwealth of Massachusetts

PRESENTED BY:

Steven George Xiarhos

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 amending death and disability compensation for members of the armed forces and the organized militia of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/17/2025</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>4/28/2025</i>

HOUSE No. 3890

By Representative Xiarhos of Barnstable, a petition (accompanied by bill, House, No. 3890) of Steven George Xiarhos relative to amending death and disability compensation for members of the armed forces and the organized militia of the Commonwealth. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

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

An Act amending death and disability compensation for members of the armed forces and the organized militia of the Commonwealth.

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 88(a) of chapter 33 of the Massachusetts General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking out the words “ An officer
3 or enlisted person of the Massachusetts organized militia” and inserting in place thereof the
4 following words:- “Members of the armed forces of the Commonwealth of Massachusetts and
5 Massachusetts organized militia”.

6 SECTION 2. Said section 88 subsection (a) is further amended by striking out the words
7 “a board” in line 4 and inserting in place thereof the words: - “The Death Gratuity Board (the
8 “Board”)”.

9 SECTION 3. Section 88 subsection (b) is amended by striking it out entirely, and adding
10 in its place:- “Members of the armed forces of the Commonwealth of Massachusetts and
11 Massachusetts organized militia who, while performing any duty lawfully ordered under this

12 chapter without willful neglect on the part of the person, dies, shall, receive compensation as
13 described by a Board appointed under section 90 for a determination of death gratuity benefits as
14 described in subsection (c). The Board shall consider death or injury arising from present or past
15 qualified duty status on behalf of the Commonwealth of Massachusetts or United States of
16 America. Qualified Duty Status is defined as State Active Duty and service pursuant to orders
17 under Titles 10 and 32 of the US Code.

18 SECTION 4. Said section 88 subsection (b) is further amended by striking out the letter
19 “(b)” and inserting in place the letter: “(c)”.

20 SECTION 5. Said section 88 updated subsection (c) is further amended by striking out
21 the words: - “If the death of a member of the Massachusetts organized militia results from injury,
22 sickness or disease received while in the line of duty, pursuant to orders under titles 10 and 32 of
23 the United States Code or this chapter and the injury, sickness or disease resulting in the death”
24 and inserting in place the words: - “If the death results from injury, sickness, or disease received
25 while in the line of duty, pursuant to orders”.

26 SECTION 6. Said section 88 subsection (c) is further amended by striking out the letter
27 “(c)” and inserting in place the letter: “(d)”.

28 SECTION 7. Said section 88 updated subsection (d) is further amended by striking out
29 the letter “(b)” in line 15 and replacing it with the letter: - “(c)”.

30 SECTION 8. Said section 88 updated subsection (d) is further amended by striking out
31 the words “a member of the Massachusetts organized militia” and inserting the words in place: -
32 “a member of the armed forces of the Commonwealth of Massachusetts and / or Massachusetts
33 organized militia”.

34 SECTION 9. Said section 88 subsection (d) is further amended by striking out the letter
35 “(d)” and replacing it with the letter: - “(e)”.

36 SECTION 10. Said section 88 subsection (e) is further amended by striking out the letter
37 “(e)” and replacing it with the letter: - “(f)”

38 SECTION 11. Said section 88 is further amended by adding the following subsection: -
39 “(g) The board will make a recommendation to the adjudicative authority (The Adjutant
40 General)”.