HOUSE DOCKET, NO. 6605 FILED ON: 11/18/2026

HOUSE . . . . . No. 5723

The Commonwealth of Massachusetts

PRESENTED BY:

Mark J. Cusack and William J. Driscoll, Jr.

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 providing for the retirement of Donald M. Delaney, a police officer in the city known as the town of Braintree.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mark J. Cusack	*5th Norfolk*	*11/18/2026*
William J. Driscoll, Jr.	*Norfolk, Plymouth and Bristol*	*11/18/2026*
John F. Keenan	*Norfolk and Plymouth*	*11/19/2026*

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By Representative Cusack of Braintree and Senator Driscoll, a joint petition (accompanied by bill, House, No. 5723) of Mark J. Cusack and William J. Driscoll, Jr., (with the approval of the mayor and town council) relative to the retirement of Donald M. Delaney, a police officer in the city known as the town of Braintree. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act providing for the retirement of Donald M. Delaney, a police officer in the city known as the town of Braintree.

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

SECTION 1. (a) Notwithstanding any general or special law to the contrary, and in order to advance the spirit of Chapter 149 of the Acts of 2024, and to promote the public good by helping law enforcement officers who are permanently incapacitated by violent acts while on duty, the retirement board of the city known as the town of Braintree shall retire Donald M. Delaney, a police officer in the Braintree Police Department, who was shot in the line of duty on May 5, 2017, and, as a result, is permanently incapacitated from performing the essential duties of a police officer. The retirement benefits shall be paid and administered in accordance with section 7 of chapter 32 of the General Laws and shall not be subject to section 8 of chapter 32 of the General Laws.

(b) The pension payable to Donald M. Delaney shall be paid monthly and shall be equal to 100 per cent of Donald M. Delaney's regular rate of compensation, including all applicable

benefits and stipends, that Donald M. Delaney was earning on the date of the passage of this Petition following the Petition's approval by the General Court. The annual amount of pension payable to Donald M. Delaney shall be equal to the regular rate of compensation, which Donald M. Delaney would have been paid had Donald M. Delaney continued in service at the grade held by Donald M. Delaney at the time of Donald M. Delaney's retirement until Donald M. Delaney's death or reaching 65 years of age, whichever comes first; provided, however, that, if Donald M. Delaney reaches 65 years of age, Donald M. Delaney shall be entitled thereafter to 80 per cent of the average annual rate of compensation paid to Donald M. Delaney in the previous 12 months, including any cost of living increases, as defined in sections 102 and 103 of Chapter 32 of the General Laws. All amounts paid under this act shall be exempt from state and local taxation, and shall be exempt from federal taxation to the extent allowable under federal tax law.

(c) Upon retirement, Donald M. Delaney shall receive a lump sum payment, from the retirement board of the city known as the town of Braintree, equal to Donald M. Delaney's total accumulated retirement deductions. In the event that Donald M. Delaney predeceases Donald M. Delaney's spouse or other named beneficiary, they shall be entitled to 75 per cent of Donald M. Delaney's annual pension, paid monthly, as long as such beneficiary shall live; provided, however, that, when Donald M. Delaney would have reached 65 years of age, Donald M. Delaney's spouse or other named beneficiary shall continue to be entitled to 75 per cent of Donald M. Delaney's annual pension, including any cost of living increases, as defined in sections 102 and 103 of Chapter 32 of the General Laws, that Donald M. Delaney would have received upon reaching 65 years of age; and provided further, that if a beneficiary is eligible for benefits under this section and under option (c) of section 12 of chapter 32 of the General Laws, the beneficiary shall elect to receive either a benefit under option (c) or a benefit pursuant to this

section but shall not be eligible for both benefits. If Donald M. Delaney and Donald M. Delaney's spouse or other named beneficiary predecease his children, Donald M. Delaney's surviving unmarried children, if any, who are under age 18, or under age 22 and are full-time students at an accredited educational institution, or who are over age 18 and physically or mentally incapacitated from earning income on the date of Donald M. Delaney's retirement, shall be entitled to receive a pension of equal proportion, paid monthly, which shall total 75 per cent of the amount of the pension payable to Donald M. Delaney at the time of Donald M. Delaney's death. When a child no longer meets the qualifications for receipt of a pension allocation under this section, said child's pension allocation shall cease, and any remaining qualified children shall continue to receive the same amount each received before any child's allocation ceased. The words "full-time student" and "accredited educational institutions" shall have the same meanings as defined in clause (iii) of Section 7(2)(a) of Chapter 32 of the General Laws.

(d) Notwithstanding the hours and earnings limitations of section 91 or 91A of Chapter 32 of the General Laws, or any other general or special law to the contrary, the annual earnings of Donald M. Delaney in the service of the commonwealth, or a county, city, town, district or authority, including as a consultant or independent contractor or as a person whose regular duties require that their time be devoted to the service of the commonwealth, county, city, town, district or authority during regular business hours, shall not be limited or otherwise subject to a refund penalty, with the sole exception that Donald M. Delaney shall not be eligible for employment under Groups 3 and 4 of the retirement system while receiving benefits for accidental disability retirement outlined herein. Donald M. Delaney may be employed by a private entity or in the private sector without refund penalty. Nothing in this section shall prohibit Donald M. Delaney

under this clause, or Donald M. Delaney's eligible spouse or children, from receiving additional retirement benefits not required by this clause.

(e) Donald M. Delaney shall be indemnified for all hospital, medical and other healthcare expenses, not otherwise covered by health insurance, related to treatment of injuries that have been or may be incurred after the date of Donald M. Delaney's retirement as a result of injuries sustained by Donald M. Delaney following his shooting on May 5, 2017 while in the performance of his duties.

SECTION 2. This act shall take effect upon its passage.