

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ryan C. Fattman*

*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:

*Ryan C. Fattman*

DISTRICT/ADDRESS:

*Worcester and Hampden*

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

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[Pin Slip]

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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 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 of chapter 33 of the General Laws, as appearing in the 2022  
2   Official Edition, is hereby amended in subsection (a) by striking out the words “An officer or  
3   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), as so appearing, is further amended by  
7   striking out the words “a board” in line 4 and inserting in place thereof the following words:-  
8   “The Death Gratuity Board (the “Board”)”.

9           SECTION 3. Said section 88 subsection (b), as so appearing, is further amended by  
10   adding in place thereof the following:- “Members of the armed forces of the Commonwealth of  
11   Massachusetts and Massachusetts organized militia who, while performing any duty lawfully  
12   ordered under this chapter without willful neglect on the part of the person, dies, shall, receive

13 compensation as described by a Board appointed under section 90 for a determination of death  
14 gratuity benefits as described in paragraph (c) below. The Board shall consider death or injury  
15 arising from present or past qualified duty status on behalf of the Commonwealth of  
16 Massachusetts or United States of America. Qualified Duty Status is defined as State Active  
17 Duty and service pursuant to orders under Titles 10 and 32 of the US Code.

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

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

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

28 SECTION 7. Said section 88 updated subsection (d), as so appearing, is further amended  
29 by striking out the letter “(b)” in line 15 and inserting in place thereof the following:- “(c)”.

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

34 SECTION 9. Said section 88 subsection (d), as so appearing, is further amended by  
35 striking out the letter “(d)” and inserting in place thereof the following:- “(e)”.

36 SECTION 10. Said section 88 subsection (e), as so appearing, is further amended by  
37 striking out the letter “(e)” and inserting in place thereof the following:- “(f)”

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