HOUSE DOCKET, NO. FILED ON: 1/8/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**John P. Fresolo**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act providing for equitable rights to indemnity for public employees.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| John P. Fresolo | 16th Worcester |
| David Holway | National Association of Government Employees  159 Burgin Parkway  Quincy, MA 02169 |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1433 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act providing for equitable rights to indemnity for public employees.

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

Section 9 of Chapter 258, as most recently amended, is hereby further amended by deleting from the first sentence of the first paragraph "may" and substituting "shall" and by deleting from the last sentence of the first paragraph "grossly negligent" and substituting therefore "wanton," so said first paragraph shall read:—

Public employers shall indemnify public employees from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law; if such employee or official at the time of such intentional tort or such act or omission was acting within the scope of his official duties or employment.  No such employee or official shall be indemnified under this section for violation of any such civil rights if he acted in a wanton, willful or malicious manner.