

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

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**The Commonwealth of Massachusetts**

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:*

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

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