

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Menard, Joan (SEN)

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 relative to indemnity of probation and court officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Menard, Joan (SEN)	First Bristol and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01580 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INDEMNITY OF PROBATION AND COURT OFFICERS.

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: Chapter 258 of the General Laws, as appearing in the 1998 Official Edition, is
2 hereby amended by inserting after section 9A, the following section:

3 Section 9B. If, in the event a suit is commenced against a Probation or Court Officer employed
4 by the Trial Court, by reason of a claim for damages resulting from an alleged intentional tort or
5 by reason of an alleged act or failure to act which constitutes a violation of the civil rights of any
6 person under federal or state law, the commonwealth, at the request of the affected officer, shall
7 provide for the legal representation of said officer. The commonwealth shall indemnify
8 Probation or Court Officers employed by the Trial Court, respectively, from all personal
9 financial loss and expenses, including but not limited to legal fees and costs, if any, in an amount
10 not to exceed one million dollars arising out of any claim, action, award, compromise, settlement
11 or judgment resulting from any alleged intentional tort or by reason of an alleged act or failure to

12 act which constitutes a violation of the civil rights of any person under federal or state law;
13 provided, however, that this section shall apply only where such alleged intentional tort or
14 alleged act or failure to act occurred within the scope of the official duties of such officer.

15 No Probation or Court Officer employed by the Trial Court shall be indemnified for any
16 violation of federal or state law if such member or employee acted in a willful, wanton, or
17 malicious manner.

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