

HOUSE No. 2508

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

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 indemnification for certain municipal employees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen Kulik	1st Franklin
John W. Scibak	2nd Hampshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2634 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING INDEMNIFICATION FOR CERTAIN MUNICIPAL 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 1. Section 9 of Chapter 258 of the General Laws is hereby amended by inserting the following
2 paragraphs at the end of the section: -

3 If in the event a suit is commenced against an incumbent or former municipal chief elected
4 official; city or town manager; town administrator, executive secretary or administrative assistant as
5 defined by Chapter 41, Section 108N, or official performing the same duties with a different title; or a
6 municipal department head, including but not limited to the police chief, by reason of a claim for damages
7 resulting from an alleged intentional or negligent tort arising out of his performance of the duties of his
8 office, the city or town, at the request of said individual, shall provide legal representation of said
9 individual.

10 A city or town shall indemnify said individual from all financial loss and expenses, including but
11 not limited to reasonable legal fees and costs, if any, in an amount not to exceed two million dollars
12 arising out of any claim, action, award, compromise, settlement or judgment resulting from any alleged
13 tort or contract or civil rights violations; provided however, that this section shall apply only where such
14 alleged matter occurred within the scope of the individual's official duties.

15 No individual shall be indemnified for any violation of federal or state law if such person acted in
16 a wanton or malicious manner.