

HOUSE No. 4621

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4144). April 6, 2020.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the retirement board of the city of Salem to retire Brian Benson, a police officer of the city of Salem.

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. (a) Notwithstanding any general or special law to the contrary, the
2 retirement board of the city of Salem shall retire Brian Benson, a police officer of the police
3 department of the city, who as a result of injuries sustained while in the performance of his duties
4 in October, 2014, is totally and permanently incapacitated from performing the essential duties
5 of a police officer; provided, however, that the provisions of subdivision (2) of section 8 of
6 chapter 32 of the General Laws shall apply as of the date of Brian Benson’s retirement pursuant
7 to this act.

8 (b) The annual amount of pension payable to Brian Benson shall be equal to the regular
9 rate of compensation which would have been paid had he continued in service as a police officer
10 of the city of Salem at the grade held by him at the time of his retirement until his death or
11 reaching mandatory retirement age whichever comes first. The additional benefits granted in this

12 act shall be funded and administered by the retirement board of Salem, consistent with and
13 subject to chapter 32 of the General Laws. All amounts paid under this act shall be non-taxable.

14 (c) Upon attaining the mandatory retirement age for a police officer in the city of Salem,
15 Brian Benson shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of
16 pension equal to 80 per cent of the annual rate of the compensation he was receiving on the day
17 before he reaches the mandatory retirement age for a police officer in the city of Salem.

18 SECTION 2. Brian Benson shall be entitled to receive indemnification for all hospital,
19 medical and related expenses that have been or may be incurred after the date of his retirement as
20 a result of the injuries sustained by him while in the performance of his duties in October, 2014,
21 in accordance with sections 100 and 100B of chapter 41 of the General Laws.

22 SECTION 3. In addition to the benefits granted herein and upon retirement, Brian
23 Benson shall receive a lump sum from the retirement board of Salem equal to his total
24 accumulated retirement deductions.

25 SECTION 4. If Brian Benson is married at the time of retirement, then upon his death,
26 should his wife, Shannon, survive him, the retirement board of Salem shall pay to her an annuity
27 in the amount of 75 per cent of the amount of the pension which otherwise would have been
28 payable to him until her death. The pension benefits provided for in this section and subsection
29 (c) of section 1 shall be subject to section 103 of chapter 32 of the General Laws..

30 SECTION 5. In the event that both Brian Benson and his wife, Shannon, die before their
31 children reach the age of 18 or 22, as provided in this act, the payments that would otherwise
32 have been made to Shannon shall be payable, in equal shares, to each surviving child under the
33 age of 18; provided, however, that payments shall continue for the benefit of a surviving child 18

34 years or older who, on or before the date of death of Shannon or Brian, whichever is later, had
35 been medically determined to be permanently physically or mentally incapacitated from earning
36 or for the benefit of a child under the age of 22 who is enrolled as a full-time student.

37 SECTION 6. The payments provided for in this act shall only be made when Brian
38 Benson has been examined by a medical panel, pursuant to section 6 of chapter 32, in which a
39 majority of the physicians have certified to the retirement board of Salem that the member is
40 mentally or physically incapacitated from further duty and that such incapacity is likely to be
41 permanent, and that the disability is such as might be the natural and proximate result of the
42 accident or hazard undergone on account of which retirement is claimed; provided, however, that
43 the public employee retirement administration commission may, upon request, waive such
44 examination if the member has already been approved by a medical panel and the board and is
45 receiving a disability benefit as of the effective date of this act. The commission shall promptly
46 notify the retirement board of the city of Salem of such waiver.

47 SECTION 7. This act shall take effect upon its passage.