

HOUSE No. 5453

Substituted, on motion of Mr. Garlick of Needham, for a Bill regarding the disability pension for Terry Cotton (House, No. 3797) [Local Approval Received]. December 29, 2022.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regarding the disability pension for Terry Cotton administered by the Boston retirement board.

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 Boston
2 retirement board shall increase the accidental disability retirement allowance payable to Terry
3 Cotton, a retired officer of the police department of the city of Boston who, as a result of injuries
4 sustained while in the performance of his duties on August 7, 2013, is totally and permanently
5 incapacitated from performing the essential duties of a police officer.

6 (b) The annual amount of pension payable to Terry Cotton shall be equal to the regular
7 rate of compensation which would have been paid had he continued in service as a police officer
8 of the city of Boston at the grade held by him at the time of his retirement until his death or
9 reaching mandatory retirement age, whichever comes first. All amounts paid under this act shall
10 be non-taxable to the extent allowable under state and federal law.

11 (c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general
12 or special law to the contrary, Terry Cotton’s annual earnings, when added to his retirement

13 allowance, may annually earn up to 1/2 the amount of his retirement allowance without refund
14 penalty.

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

19 (e) Notwithstanding any general or special law to the contrary, the benefits granted herein
20 shall be funded and administered by the Boston retirement board, consistent with and subject to
21 chapter 32 of the General Laws.

22 SECTION 2. Notwithstanding any general or special law to the contrary, Terry Cotton
23 shall be entitled to receive indemnification for all hospital, medical and related expenses that
24 have been or may be incurred after the date of his retirement as a result of the injuries sustained
25 by him while in the performance of his duties on August 7, 2013, in accordance with sections
26 100 and 100B of chapter 41 of the General Laws.

27 SECTION 3. Notwithstanding any general or special law to the contrary, the Boston
28 retirement board shall forthwith pay to said Terry Cotton the amount credited to him as
29 accumulated total deductions in the annuity savings fund of the Boston retirement board as of the
30 effective date of this act.

31 SECTION 4. Notwithstanding any general or special law to the contrary, if Terry Cotton
32 was married upon retirement then, upon his death, if he is still married to the spouse he was
33 married to upon retirement then, should his spouse to whom he was married on the date upon
34 retirement survive him, the retirement board of the city of Boston shall pay to the spouse an

35 annuity in the amount of 75 per cent of the amount of the pension which otherwise would have
36 been payable to Terry Cotton until the spouse's death. The pension benefits provided for in this
37 section and section 1 shall be subject to section 103 of chapter 32 of the General Laws.

38 SECTION 5. In the event that both Terry Cotton and his spouse to whom he was married
39 on the date upon retirement die before their children reach the age of 18 the payments that would
40 otherwise have been made to Terry Cotton's spouse shall be payable, per stirpes, to each
41 surviving children under the age of 18; provided, however, that payments shall continue for the
42 benefit of a surviving child 18 years or older who, on or before the date of death of Terry Cotton
43 or his spouse to whom he was married on the date upon retirement, whichever is later, had been
44 medically determined to be permanently physically or mentally incapacitated from earning or for
45 the benefit of a child under the age of 22 who is enrolled as a full-time student as determined by
46 the criteria of the educational institution.

47 SECTION 6. This act shall take effect as of January 31, 2022.