

HOUSE No. 5459

Substituted, on motion of Mr. Garlick of Needham, for a Bill regarding the disability pension for Matthew Donoghue, a police officer in the city known as the town of Braintree (House, No. 5450) [Local Approval Received]. December 29, 2022.

The Commonwealth of Massachusetts

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

An Act providing for the retirement of Matthew Donoghue, a police officer in the city known as the town of Braintree..

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 Braintree retirement board shall retire Matthew Donoghue, a police officer of the police
3 department of the town of Braintree who, as a result of injuries sustained while in the
4 performance of his duties on June 4, 2021, is totally and permanently incapacitated from
5 performing the essential duties of a police officer.

6 (b) The annual amount of pension payable to Matthew Donoghue shall be equal to the
7 regular rate of compensation which would have been paid had he continued in service as a police
8 officer of the town of Braintree at the grade held by him at the time of his retirement until his
9 death or reaching mandatory retirement age, whichever comes first. All amounts paid under this
10 act shall 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, Matthew Donoghue's annual earnings, when added to his
13 retirement allowance, may annually earn up to 1/2 the amount of his retirement allowance
14 without refund penalty.

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

20 SECTION 2. Notwithstanding any general or special law to the contrary, Matthew
21 Donoghue shall be entitled to receive indemnification for all hospital, medical and related
22 expenses that have been or may be incurred after the date of his retirement as a result of the
23 injuries sustained by him while in the performance of his duties on June 4, 2021, in accordance
24 with sections 100 and 100B of chapter 41 of the General Laws.

25 SECTION 3. Notwithstanding any general or special law to the contrary, the Braintree
26 retirement board shall forthwith pay to said Matthew Donoghue the amount credited to him as
27 accumulated total deductions in the annuity savings fund of the Braintree retirement board as of
28 the effective date of this act.

29 SECTION 4. Notwithstanding any general or special law to the contrary, if Matthew
30 Donoghue was married on the effective date of this act then, upon his death, if he is still married
31 to the spouse he was married to upon the effective date of this act, should said spouse survive
32 him, the retirement board of the town of Braintree shall pay to said spouse an annuity in the

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

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

45 SECTION 6. This act shall take effect as of October 13, 2022.