

HOUSE No. 1397

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to provide indemnity from prosecution for probation officers and court officers employed by the Trial Court. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROVIDING INDEMNITY FROM PROSECUTION FOR PROBATION OFFICERS AND COURT OFFICERS EMPLOYED BY THE TRIAL COURT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 258, as appearing in the 2004 Official Edition, is hereby
2 amended by adding the following new section:—

3 Section 9B. If, in the event a suit is commenced against a Proba-
4 tion or Court Officer employed by the Trial Court, by reason of a
5 claim for damages resulting from an alleged intentional tort or by
6 reason of an alleged act or failure to act which constitutes a violation
7 of the civil rights of any person under federal or state law, the com-
8 monwealth, at the request of the affected officer, shall provide for
9 the legal representation of said officer.

10 The commonwealth shall indemnify Probation or Court Officers
11 employed by the Trial Court, respectively, from all personal finan-
12 cial loss and expenses, including but not limited to legal fees and
13 costs, if any, in an amount not to exceed one million dollars arising
14 out of any claim, action, award, compromise, settlement or judgment
15 resulting from any alleged intentional tort or by reason of an alleged
16 act or failure to act which constitutes a violation of the civil rights of
17 any person under federal or state law; provided, however, that this
18 section shall apply only where such alleged intentional tort or
19 alleged act or failure to act occurred within the scope of the official
20 duties of such officer.

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