

HOUSE No. 2478

By Mr. Fagan of Taunton, petition of James H. Fagan relative to the indemnification of probation officers and court officers. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE INDEMNIFICATION OF PROBATION OFFICERS AND COURT OFFICERS.

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 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting after section 9A,
3 the following section:—

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

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

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