

# PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

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## MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: Important Amendment to G.L. 32, Section 100

DATE: August 17, 2021

On July 29, 2021 Governor Charles D. Baker signed H. 3973, *An Act Making Appropriations for Fiscal Year 2021 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects* as Chapter 29 of the Acts of 2021. This Act, while a supplemental budget, also amends General Law Chapter 32, Section 100. Section 9 of the Act amends the eligibility requirements for Section 100 benefits for police officers killed in the performance of their duties.

The purpose of Section 100 is to provide a pension to the surviving spouse of certain firefighters, police officers and corrections officers who are killed in the performance of their duties. The pension is in an amount equal to the salary that the member would have received had they continued in service in the position they held at the time of death.

Section 9 of the Act amends Section 100 to provide that if a police officer is killed or sustains injuries which result in their death while engaged in the performance of their duties while at the scene of an emergency, the officer's spouse shall be eligible for benefits. This change brings the language relative to police officers in line with the language relative to firefighters. No other changes to the eligibility provisions of Section 100 were made by Chapter 29 of 2021.

Section 100 now reads, in pertinent part:

Section 100. Notwithstanding any provision of this chapter or any other general or special law to the contrary, if a firefighter while in the performance of his duties and as the result of an accident while responding to or returning from an alarm of fire or any emergency, or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding, or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, **or if a police officer while at the scene of an emergency in the performance of the police officer's duties is killed or sustains injuries which**



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**result in the police officer's death** or if a police officer while in the performance of his duties and as the result of an assault on his person or as a result of an accident involving a police department vehicle which he is operating or in which he is riding in the performance of his duties as a police officer is killed or sustains injuries which result in his death, or if a corrections officer while in the performance of his duties and as the result of an assault on his person is killed or sustains injuries which result in his death, there shall be paid to the surviving spouse of such firefighter, police officer or corrections officer an annual amount of pension which shall be equal to the amount of salary which would have been paid to such firefighter, police officer or corrections officer had he continued in service in the position held by him at the time of his death....(Emphasis on the new language.)

Section 68 of the Act provides that the amendment to Chapter 32, Section 100 shall take effect as of June 3, 2021. Therefore, any death which meets the amended eligibility provisions of Section 100 and occurred on or after June 3, 2021 will be covered by the provisions of this Act.

If you have any questions please contact the PERAC's General Counsel Judith Corrigan at (617) 666-4446, ext. 904.