

OFFERED BY COUNCILOR ERIN MURPHY



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY-TWO

HOME RULE PETITION

WHEREAS: Scott O'Brien sustained firearm-related injuries while in the performance of his duties and, as a result, is incapacitated from further service as a police officer; ***NOW THEREFORE BE IT***

ORDERED, That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only.

PETITION FOR A SPECIAL LAW RE: AN ACT REGARDING THE DISABILITY PENSION FOR SCOTT O'BRIEN

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the Boston Retirement Board shall increase the accidental disability retirement allowance payable to Scott O'Brien, a retired police officer of the police department of the city of Boston who, as a result of injuries sustained while in the performance of his duties on January 16, 2004, is totally and permanently incapacitated from performing the essential duties of a police officer.

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

(c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general or special law to the contrary, Scott O'Brien's annual earnings, when added to his retirement allowance, may annually earn up to one-half the amount of his retirement allowance without refund penalty.

(d) Upon attaining the mandatory retirement age for a police officer of the city of Boston, Scott O'Brien shall receive a pension pursuant to section 7 of said chapter 32, a yearly amount of pension equal to 80 percent of the annual rate of the compensation he was receiving on the day before he reaches the mandatory retirement age for a police officer in the city of Boston.

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

SECTION 2. Notwithstanding any general or special law to the contrary, Scott O'Brien shall be entitled to receive indemnification for all hospital, medical and related expenses that have been or may be incurred after the date of his retirement as a result of the injuries sustained by him while in the performance of his duties on January 16, 2004, in accordance with sections 100 and 100B of chapter 41 of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the Boston Retirement Board shall forthwith pay to said Scott O'Brien the amount credited to him as accumulated total deductions in the annuity savings fund of the Boston Retirement Board as of the effective date of this act.

SECTION 4. Notwithstanding any general or special law to the contrary, if Scott O'Brien was married on the date of his injury, then, upon his death, if he is still married to the spouse he was married to on the date of injury then, should his spouse to whom he was married on the date of injury survive him, the retirement board of the city of Boston shall pay to the spouse an annuity in the amount of 75 percent of the amount of the pension which otherwise would have been payable to Scott O'Brien until the spouse's death. The pension benefits provided

for in this section and section 1 shall be subject to section 103 of chapter 32 of the General Laws.

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

SECTION 6. The payments provided for in this act shall only be made when Scott O'Brien has been re-examined by a medical panel, pursuant to section 6 of chapter 32 of the General Laws, in which a majority of the physicians have re-certified to the Boston Retirement Board that the member is mentally or physically incapacitated from further duty and that such incapacity is likely to be permanent, and that the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which retirement is claimed.

SECTION 7. This act shall take effect as of 01/31/2022.

Filed: August 10th, 2022