



CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND AND TWENTY ONE 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*

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. Notwithstanding the provision of any general or special law or rule or regulation to the contrary, and in order to promote the public good, the Boston Retirement System is hereby authorized and directed to increase the accidental disability retirement allowance payable to Scott O'Brien, a retired officer of the City of Boston who, as a result of injuries sustained while in the performance of his duties on October 12, 2016, is totally and permanently disabled from further service as a police officer.

Section 2. The total 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, so long as any income derived by Scott O'Brien hereafter is not earned performing a sworn law enforcement function of private security function with similar duties. The additional benefits granted in this act shall be administered by the Boston Retirement System, consistent with and subject to chapter 32 of the General Laws, except that in regard to

section 91A of said chapter 32 the limit on the amount that Scott O'Brien annual earnings, when added to his retirement allowance, may exceed without refund penalty the amount of regular compensation which would have been payable to him if he had continued in service as a police officer of the City of Boston in the grade held by him at the time he was retired, shall be set at \$100,000 rather than \$15,000. All amounts paid under this act shall be nontaxable.

(a) Such increase in retirement shall become effective commencing on the date for which he received an accidental disability retirement from the Boston Retirement System.

(b) Upon enactment, the Boston Retirement System 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 System. Said 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 said injuries, pursuant to the provisions of Chapter 41 of the General Laws.

Section 3. Upon the Death of Scott O'Brien, should his wife survive him, the Boston Retirement System shall pay to her an annuity in the amount of three-fourths of the amount of the pension payable to him, per month, at the time of his death. In the event that both Scott O'Brien and his wife die before their children reach the age of eighteen (18) or twenty-two (22), as provided herein, the payments that would otherwise be made to Scott O'Brien pursuant to Section 2 shall be payable, in equal shares, to each child under the age of eighteen (18); provided, however, that payments shall continue to the age of twenty-two (22) for any child who is enrolled as a full-time student.

Section 4 This act shall take effect upon passage.

Filed: December 15, 2021