

**HOUSE . . . . . No. 1526**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Carmine Lawrence Gentile, (BY REQUEST)***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to repeal and replace G.L. c. 258.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Henry P. Sorett</i>	<i>58 Longfellow Road, Sudbury, Massachusetts 01776</i>	<i>1/19/2023</i>

**HOUSE . . . . . No. 1526**

By Representative Gentile of Sudbury (by request), a petition (accompanied by bill, House, No. 1526) of Henry P. Sorett relative to claims and indemnity procedures for the Commonwealth, municipalities, counties and districts and their officers and employees. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act to repeal and replace G.L. c. 258.

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

1 G.L. c. 258, GL c. 84 s15 and G.L. c. 81 s18 shall be repealed and replaced by the  
2 following:

3 Section 1: All persons harmed by the Commonwealth or by any city, town, county or any  
4 other governmental agency or their employees or agents shall be entitled to prompt, fair and  
5 reasonable compensation for their losses. No officers, employees or agents of any city, town,  
6 county or any other governmental agency shall be personally liable for any such claims and shall  
7 be indemnified for their losses and defense costs by their employer. Provided, however, there  
8 shall be no right to indemnification if the acts at issue were knowing, willful, intentional, corrupt  
9 or committed with wanton disregard for the lives or safety of others. Employers shall have the  
10 discretion to indemnify employees for acts which were knowing, willful, intentional or  
11 committed with wanton disregard for the lives or safety of others. Any collective bargaining  
12 agreement requiring indemnification for such acts shall be null, void and unenforceable.

13 Section 2: Definitions

14 As used in this chapter the following words shall have the following meanings:—

15 "Acting within the scope of office or employment", Every person acting within the scope  
16 of that person's employment and acting in the performance of any lawfully ordered military  
17 duty, in the case of an officer or soldier of the military forces of the commonwealth,

18 'Executive officer of a public employer", the secretary of an executive office of the  
19 commonwealth, or in the case of an agency not within the executive office, the attorney general;  
20 the adjutant general of the military forces of the commonwealth; the county commissioners of a  
21 county; the mayor of a city, or as designated by the charter of the city; the select board of a town  
22 or as designated by the charter of the town; and the board, directors, or committee of a district in  
23 the case of the public employers of a district, in the case of the Massachusetts Bay  
24 Transportation Authority, its general manager and rail and transit administrator, and, in the case  
25 of any other public employer, the nominal chief executive officer or board.

26 "Public attorney", the attorney who shall defend all civil actions brought against a public  
27 employer pursuant to this chapter. In the case of the commonwealth it shall be the attorney  
28 general; in the case of any county it shall be the district attorney as designated in sections twelve  
29 and thirteen of chapter twelve; in the case of a city or town it shall be the city solicitor or town  
30 counsel, or, if the town has no such counsel, an attorney employed for the purpose by the select  
31 board; in the case of a district it shall be an attorney legally employed by the district for that  
32 purpose; and, in the case of the Massachusetts Bay Transportation Authority, the attorney shall  
33 be the general counsel. A public attorney may also be an attorney furnished by an insurer

34 obligated under the terms of a policy of insurance to defend the public employer against claims  
35 brought pursuant thereto.

36 ' ,  
37 'Public employee", elected or appointed, officers or employees of any public employer,  
38 whether serving full or part-time, temporary or permanent, compensated or uncompensated, and  
39 officers or soldiers of the military forces of the commonwealth. For purposes of this chapter, the  
40 term "public employee" shall include an approved or licensed foster caregiver with respect to  
41 claims against such caregiver by a child in the temporary custody and care of such caregiver or  
42 an adult in the care of such caregiver for injury or death caused by the conduct of such caregiver;  
43 provided, however, that such conduct was not intentional, or wanton and willful, or grossly  
44 negligent. For this purpose, a caregiver of adults means a member of a foster family, or any other  
45 individual, who is under contract with an adult foster care provider as defined and certified by  
46 the division of medical assistance.

47 "Public employer", the commonwealth and any county, city, town, educational  
48 collaborative, or district, including the Massachusetts Department of Transportation, the  
49 Massachusetts Bay Transportation Authority, any duly constituted regional transit authority and  
50 the Massachusetts Turnpike Authority and any public health district or joint district or regional  
51 health district or regional health board established pursuant to the provisions of section twenty-  
52 seven A or twenty-seven B of chapter one hundred and eleven, and any department, office,  
53 commission, committee, council, board, division, bureau, institution, agency or authority thereof  
54 including a local water and sewer commission including a municipal gas or electric plant, a  
55 municipal lighting plant or cooperative which operates a telecommunications system pursuant to

56 section 47E of chapter 164, department, board and commission, which exercises direction and  
57 control over the public employee, but not a private contractor with any such public employer, the  
58 Massachusetts Port Authority, or any other independent body politic and corporate. With respect  
59 to public employees of a school committee of a city or town, the public employer for the  
60 purposes of this chapter shall be deemed to be said respective city or town.

61 "Serious personal injury", bodily injury which results in a permanent or temporary  
62 disfigurement, or loss or impairment of a bodily function, limb or organ, debilitating emotional  
63 or psychological harm, or for which medical costs or lost wages exceed \$2,500.00, or death.

64 "Serious property damage or financial harm", damage to the property of any person,  
65 corporation or other legally created entity of a value of greater than \$2,500 provided however  
66 that this minimum limit shall not apply to motor vehicles or personal residences or loss or money  
67 or property.

68 Section 3: Liability; exclusiveness of remedy; cooperation of public employee;  
69 subsequent actions; representation by public attorney

70 Public employers shall be liable for injury or loss of property or personal injury or death  
71 caused by the negligent or wrongful act or omission of any public employee while acting within  
72 the scope of that person's office or employment, in the same manner and to the same extent as a  
73 private individual under like circumstances, except that public employers shall not be liable to  
74 levy of execution on any real and personal property to satisfy judgment except as provided for  
75 herein, and shall not be liable for punitive damages. The remedies provided by this chapter shall  
76 be exclusive of any other civil action or proceeding by reason of the same subject matter against  
77 the public employer or, the public employee or their estates whose negligent or wrongful act or

78 omission gave rise to such claim, and no such public employee or the estate of such public  
79 employee shall be liable for any injury or loss of property or personal injury or death caused by  
80 the employee's negligent or wrongful act or omission while acting within the scope of that  
81 employee's office or employment except as provided for herein; provided, however, that a public  
82 employee shall provide reasonable cooperation to the public employer in the defense of any  
83 action brought under this chapter. Failure to provide such reasonable cooperation on the part of a  
84 public employee shall cause the public employee to be jointly liable with the public employer, to  
85 the extent that the failure to provide reasonable cooperation prejudiced the defense of the action.  
86 Information obtained from the public employee in providing such reasonable cooperation may  
87 not be used as evidence in any disciplinary action against the employee. Final judgment in an  
88 action brought against a public employer under this chapter shall constitute a complete bar to any  
89 action by a party to such judgment against such public employer or public employee by reason of  
90 the same subject matter. The prevailing plaintiff may undertake all actions necessary to enforce a  
91 final judgment.

92           Notwithstanding that a public employee shall not be liable for negligent or wrongful acts  
93 as described in the preceding paragraph, if a cause of action is improperly commenced against a  
94 public employee of the commonwealth alleging injury or loss of property or personal injury or  
95 death as the result of the negligent or wrongful act or omission of such employee, said employee  
96 may request representation by the public attorney of the commonwealth. The public attorney  
97 shall defend the public employee with respect to the cause of action at no cost to the public  
98 employee; provided, however, that the public attorney determines that the public employee was  
99 acting within the scope of the employee's office or employment at the time of the alleged loss,  
100 injury, or death, and, further, that said public employee provides reasonable cooperation to the

101 public employer and public attorney in the defense of any action arising out of the same subject  
102 matter. If, in the opinion of the public attorney, representation of the public employee, under this  
103 paragraph would result in a conflict of interest, the public attorney shall not be required to  
104 represent the public employee. Under said circumstances, the commonwealth shall reimburse the  
105 public employee for reasonable attorney fees incurred by the public employee in defense of the  
106 cause of action; provided, however, that the same conditions exist which are required for  
107 representation of said employee by the public attorney under this paragraph.

108 Notwithstanding the foregoing, a public employee may be held to be personally liable for  
109 intentionally causing harm or by causing harm knowingly, wantonly and in willful disregard of  
110 the lives, safety or property of any person.

111 Section 4: Venue; jurisdiction

112 All civil actions brought against a public employer on a claim for damages cognizable  
113 under this chapter shall be brought in the county where the claimant resides or in the county  
114 where such public employer is situated, except that in the case of the commonwealth such civil  
115 actions shall be brought in the county where the claimant resides or in Suffolk county. The  
116 superior court shall have jurisdiction of all civil actions brought against a public employer. The  
117 district court and housing court shall have jurisdiction of actions brought against housing  
118 authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and  
119 eighteen. The District Court shall also have jurisdiction for all claims having a value of less than  
120 \$100,000.00. The District Court small claims jurisdiction and procedures shall be available to  
121 claimants whose claims have a value of less than \$7,000.00.

122 In the event that a suit is filed in the wrong court, that court shall transfer the suit to court  
123 having actual jurisdiction and the court shall promptly give notice to all parties.

124 Section 5 Instituting Claims; limitations of actions:

125 Any person who claims to have suffered injury or harm due to the negligence, acts or  
126 omissions of a public employee may commence an action in the Courts of the Commonwealth by  
127 filing a complaint. There shall be no requirement to make a presentment prior to filing suit.  
128 Service of process shall be made, in the case of a city on the mayor, city clerk, city counsel or  
129 public attorney, in the case of a town on the town manager, chair of the select board, town clerk,  
130 public attorney or town counsel, in the case of Mass. Port and the MBTA on the chief executive  
131 officer, agency counsel, public attorney or chair of the board of directors, in the case of any other  
132 agency or board, on its chief executive officer or general counsel. It shall not be a defense that  
133 service was not made on the proper person within a public employer so long as that entity has  
134 been given actual knowledge of the suit.

135 No civil action may be brought more than three years after the date on which the cause of  
136 action accrued; provided, however, that an action which relates to the sexual abuse of a minor, as  
137 defined in said section 4C of said chapter 260, shall be governed by section 4C1/2 of said chapter  
138 260.

139 Upon receipt of service of process, a public employer may answer in the ordinary course,  
140 file a certificate of investigation and obtain a stay of the duty to answer for 90 days or file a  
141 request for mediation and obtain a stay for 120 days. If the public employer files a request for  
142 mediation, it shall provide the plaintiff with all information and documents it has concerning the  
143 matter at issue and arrange for a mediation with any court certified mediation program or before



144 a mutually agreed upon independent mediator. In any mediation the public employer shall  
145 bargain in good faith demonstrating integrity and honesty for the purposes of arriving at a fair  
146 and reasonable resolution. The time for mediation may be extended for not more than 90 days  
147 by a request made by all parties. If mediation causes a settlement to be achieved, the parties  
148 shall file a joint motion for entry of judgment and the issuance of an execution. No  
149 confidentiality terms may be included in any settlement agreement, provided however, that a  
150 court may impound all or part of the information provided if it is convinced that there is a  
151 compelling need for confidentiality. All information about the identity of a child who was the  
152 victim of sexual abuse shall be impounded. After the answer is filed or the expiration of any stay,  
153 the public employer shall answer and discovery shall proceed in the ordinary course. No public  
154 employer or public employee may require arbitration of any issue or claim arising under this act  
155 and any contract or agreement purporting to require arbitration shall be null, void and  
156 unenforceable

157         If the attorney general or any district attorney reasonably believe that discovery as to a  
158 claim will impair a pending criminal investigation or prosecution or would reveal confidential  
159 methods and means of investigation or the identity of confidential informants, the attorney  
160 general or any district attorney may intervene in an action pending under this act and ask the  
161 Court to stay discovery and the trial date for not more than one year. The attorney general and  
162 the district attorneys shall have the burden of persuading the Court that the public interest  
163 requires a stay and may make in camera submissions to the Court to attempt to meet that burden.  
164 A stay so entered may be extended for a period of one additional year for good cause shown.  
165 The Court may also enter such protective orders as the interests of justice might require if it is  
166 persuaded by clear and convincing evidence of the need for such an order.

167           The provisions of this section shall not apply to such claims as may be asserted by third-  
168 party complaint, cross claim, or counter-claim, or to small claims brought against housing  
169 authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and  
170 eighteen; provided however, that no small claim shall be brought against a housing authority  
171 more than three years after the date upon which the cause of action arose.

172           Section 6: Compromise or settlement of claims; subsequent actions

173           The executive officer of a public employer may mediate, compromise or settle any claim  
174 for damages under this chapter; provided, that any award, compromise or settlement in excess of  
175 two thousand five hundred dollars shall be made only with the prior approval of the public  
176 attorney for such public employer; provided further, however, that in any case where the public  
177 employer is the commonwealth, any award, compromise or settlement in excess of twenty  
178 thousand dollars shall be made only with the prior approval of the secretary of administration  
179 and finance. A person designated by the public attorney or secretary of administration and  
180 finance having actual authority to make settlements and commit to the entry of a final judgment  
181 shall attend all mediations either in person or virtually and said person shall be required to  
182 bargain in good faith. In the event that a public employer fails to attend or bargain in good faith  
183 then the claimant may apply to the court for such sanctions, costs, expenses and legal fees as  
184 may be appropriate and a court may impose those to obtain compliance with this statute and  
185 deter misconduct.

186           The acceptance by the claimant of any such award, compromise or settlement approved  
187 by the Court shall be in writing and shall, except when procured by fraud, be final and  
188 conclusive on the claimant, and shall constitute a complete release of any claim against the

189 public employer or against the public employee whose negligent or wrongful act or omission  
190 gave rise to such a claim, and a complete bar to any action by the claimant against such public  
191 employer or public employee, by reason of the same subject matter. Provided, however, if the  
192 public employer or public employee is found to have committed fraud or to have withheld  
193 evidence helpful to a claimant, the claimant may petition to set aside the settlement reopen the  
194 case. The claimant seeking to set aside a settlement shall have the burden of persuade the court  
195 by clear and convincing evidence that the misconduct occurred and that it materially impaired  
196 the claimant's ability to prove the case.

197

198 Section 7: Defense of actions

199 Section 7. The public attorney shall defend all civil actions brought against a public  
200 employer or public employee of the commonwealth pursuant to this chapter. If the public  
201 attorney has a conflict of interest, the employer shall retain independent counsel and pay that  
202 attorney's reasonable fees and costs. If a public employee is sued for claims as to which there is  
203 no right of indemnification that employee may retain counsel of the employee's choosing and at  
204 the employee's expense and then that attorney shall take over the defense or, at the discretion of  
205 the public attorney and so long as no conflict of interest exists, act as co-counsel.

206 Section 8: Finality of judgments; subsequent actions

207 Section 8. Any award, compromise or settlement of a civil action brought under this  
208 chapter in excess of twenty thousand dollars which has been approved by a public attorney for a  
209 public employer, or, in the case where the public employer is the commonwealth, approved by  
210 the secretary of administration and finance, shall be made final only after approval of same by a

211 judge of the superior court, district court or housing court having jurisdiction over the action.  
212 Provided, however, a judge shall approve all settlements arrived at during mediations attended  
213 by persons designated by the public attorney or secretary and authorized by said persons.  
214 Further provided no judge shall approve any settlement obtained by fraud, deception, coercion or  
215 threats and any claimant who contends that such misconduct occurred may raise such matters at  
216 any hearing to approve a settlement. A final judgment and execution shall be entered in  
217 accordance with an approved settlement.

218 The acceptance by the claimant of any such award, compromise or settlement shall be in  
219 writing and shall, except when procured by fraud, deception, coercion or threats be final and  
220 conclusive on the claimant, and shall constitute a complete release of any claim against the  
221 public employer or against the public employee whose negligent or wrongful act or omission  
222 gave rise to such claim, and a complete bar to any action by the claimant against such public  
223 employer or public employee, by reason of the same subject matter.

224 In the event that a public employer or person not entitled to indemnification fails to pay  
225 the full amount of any settlement or judgment, the claimant may apply to the court to enforce the  
226 settlement or judgment. In the event that the settlement or judgment is against a public  
227 employer, the court may order the sheriff of the county in which the public employer is located  
228 to levy against the accounts of said public employer and seize the funds necessary to satisfy the  
229 settlement or judgment. In the event that a settlement or judgment is against a person not entitled  
230 to indemnification then the claimant shall have all rights accorded to a judgment creditor.

231 Section 9: Insurance

232 Section 9. The attorney general shall be responsible for procuring insurance for all public  
233 employers. The costs of this coverage shall be allocated ratably and proportionally to the  
234 Commonwealth, cities, towns, counties and all other public employers. The attorney general  
235 shall be responsible for managing the handling of all claims made under this statute and shall be  
236 responsible for requiring the insurer to handle claims fairly, reasonably and promptly in  
237 accordance with the intent of this statute. If the attorney general determines that it would be  
238 more efficient and fair to manage claims and comply with this statute's intent by creating,  
239 managing and operating a self-insurance program, then the attorney general may create a self-  
240 insurance program, set reserves, manage claims and handle them in accordance with the intent of  
241 this statute. The costs of this self-insurance program shall be allocated ratably and  
242 proportionally to the Commonwealth, cities, towns, counties and all other public employers. The  
243 attorney general shall have the authority to promulgate regulations to establish bidding criteria,  
244 specifications and protocols for awarding contracts for insurance or to promulgate regulations to  
245 operate a self insurance program. Any insurer selected to insure against claims shall be required  
246 to provide for the prompt, fair and reasonable resolution of claims and lawsuits understanding  
247 that the intended beneficiaries of the insurance program are those who have been injured. Any  
248 self insurance program shall have the same goals. The attorney general shall be responsible for  
249 the accomplishment of these goals.

250 Section 10: Indemnity of public employees

251 Section 10. Public employers may indemnify public employees, and the commonwealth  
252 shall indemnify persons holding office under the constitution, from personal financial loss, all  
253 damages and expenses, including legal fees and costs, if any, in an amount not to exceed  
254 \$10,000,000 arising out of any claim, action, award, compromise, settlement or judgment by

255 reason of an intentional tort, or by reason of any act or omission which constitutes a violation of  
256 the civil rights of any person under any federal or state law, if such employee or official or  
257 holder of office under the constitution at the time of such intentional tort or such act or omission  
258 was acting within the scope of official duties or employment. No such employee or official, other  
259 than a person holding office under the constitution acting within the scope of that employee's  
260 official duties or employment, shall be indemnified under this section for violation of any such  
261 civil rights if he acted in an intentional, grossly negligent, willful or malicious manner.

262 For purposes of this section, persons employed by a joint health district, regional health  
263 district or regional board of health, as defined by sections twenty-seven A and twenty-seven B of  
264 chapter one hundred and eleven, shall be considered employees of the city or town in which said  
265 incident, claim, suit, or judgment is brought pursuant to the provisions of this chapter.

266 Section 11: Actions against members of police force; indemnity

267 Section 11. If, in the event a suit is commenced against a member of the state police or an  
268 employee represented by state bargaining unit five, by reason of a claim for damages resulting  
269 from an alleged intentional tort or by reason of an alleged act or failure to act which constitutes a  
270 violation of the civil rights of any person under federal or state law, the commonwealth, at the  
271 request of the affected police officer, shall provide for the legal representation of said police  
272 officer.

273 The commonwealth shall indemnify members of the state police or an employee  
274 represented by state bargaining unit five, respectively, from all personal financial loss and  
275 expenses, including but not limited to legal fees and costs, if any, in an amount not to exceed ten  
276 million dollars arising out of any claim, action, award, compromise, settlement or judgment

277 resulting from any alleged intentional tort or by reason of an alleged act or failure to act which  
278 constitutes a violation of the civil rights of any person under federal or state law; provided,  
279 however, that this section shall apply only where such alleged intentional tort or alleged act or  
280 failure to act occurred within the scope of the official duties of such police officer.

281 No member of the state police or an employee represented by state bargaining unit five  
282 shall be indemnified for any violation of federal or state law if such member or employee acted  
283 in a willful, wanton, or malicious manner.

284 Section 12: Application of Secs. 1 to 8

285 Section 12. The provisions of sections one to eight, inclusive, shall not apply to:—

286 (a) any claim based upon an act or omission of a public employee when such employee is  
287 exercising due care in the execution of any statute or any regulation of a public employer, or any  
288 municipal ordinance or by-law, whether or not such statute, regulation, ordinance or by-law is  
289 valid;

290 (b) any claim arising in respect of the assessment or collection of any tax, or the lawful  
291 detention of any goods or merchandise by any law enforcement officer in accordance with a duly  
292 authorized court order or writ of execution;

293 (c) any claim based upon the issuance, denial, suspension or revocation or failure or  
294 refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or  
295 similar authorization unless based on intentional wrongdoing;

296 (d) any claim based upon the failure to inspect, or an inadequate or negligent inspection,  
297 of any property, real or personal, to determine whether the property complies with or violates

298 any law, regulation, ordinance or code, or contains a hazard to health or safety, except as  
299 otherwise provided in clause (1) of subparagraph (j).

300 (e) any claim based upon the failure to establish a fire department or a particular fire  
301 protection service, or if fire protection service is provided, for failure to prevent, suppress or  
302 contain a fire, or for any acts or omissions in the suppression or containment of a fire, but not  
303 including claims based upon the negligent operation of motor vehicles or as otherwise provided  
304 in clause (1) of subparagraph (j).

305 (f) any claim based upon the failure to establish a police department or a particular police  
306 protection service, or if police protection is provided, for failure to provide adequate police  
307 protection, prevent the commission of crimes, investigate, detect or solve crimes, identify or  
308 apprehend criminals or suspects, arrest or detain suspects, or enforce any law, but not including  
309 claims based upon the negligent operation of motor vehicles, negligent protection, supervision or  
310 care of persons in custody, or as otherwise provided in clause (1) of subparagraph (j).

311 (g) any claim based upon the release, parole, furlough or escape of any person, including  
312 but not limited to a prisoner, inmate, detainee, juvenile, patient or client, from the custody of a  
313 public employee or employer or their agents, unless gross negligence is shown in allowing such  
314 release, parole, furlough or escape.

315 (h) any claim based on the actions of judges, clerks, assistant clerks or employees of the  
316 judicial branch except for criminal acts or violations of their oaths of office or for their  
317 negligence in the operation of motor vehicles.

318 (i) any claims based on the actions of prosecutors employed by the Commonwealth or  
319 any county for actions in the performance of their duties or the exercise of discretion afforded to



320 them by operation law except for criminal acts, the intentional withholding of exculpatory  
321 evidence, suborning perjury or for their negligence in the operation of motor vehicles.

322 (j) any claim based on an act or failure to act to prevent or diminish the harmful  
323 consequences of a condition or situation, including the violent or tortious conduct of a third  
324 person, which is not originally caused by the public employer or any other person acting on  
325 behalf of the public employer. This exclusion shall not apply to:

326 (1) any claim based upon explicit and specific assurances of safety or assistance, beyond  
327 general representations that investigation or assistance will be or has been undertaken, made to  
328 the direct victim or a member of that person's family or household by a public employee,  
329 provided that the injury resulted in part from reliance on those assurances. A permit, certificate  
330 or report of findings of an investigation or inspection shall not constitute such assurances of  
331 safety or assistance; and

332 (2) any claim based upon the intervention of a public employee which causes injury to  
333 the victim or places the victim in a worse position than he was in before the intervention; and

334 (3) any claim based on negligent maintenance of public property;

335 (4) any claim by or on behalf of a patient for negligent medical or other therapeutic  
336 treatment received by the patient from a public employee.

337 Nothing in this section shall be construed to modify or repeal the applicability of any  
338 existing statute that limits, controls or affects the liability of public employers or entities except  
339 as provided for herein.

340 Section 13: Frivolous claims; costs; subsequent actions

341           Section 13. If the judgment in any action brought under this chapter is in favor of the  
342 public employer, judgment for costs and execution thereon may issue in favor of the public  
343 employer, if the court finds the action brought by the claimant to have been frivolous or in bad  
344 faith, and final judgment on the action shall be a bar to any other or further action being brought  
345 on the same claim or subject matter. If the judgment in any action is in favor of the claimant and  
346 the court finds that the public employer has acted frivolously or in bad faith then the court shall  
347 award the claimant reasonable legal fees and costs. The provisions of G.L. c. 231 sec. 6f shall  
348 apply.

349           Section 14: Enforcement of claims

350           Section 14. Claims against the commonwealth or any public employer, except as  
351 otherwise expressly provided in this chapter or by any general or special provision of law, may  
352 be enforced in the superior court or in the district court which adjudicated a matter.

353           Note – expanded to cover all public employers and to allow district courts to enforce their  
354 judgments.

355           Section 15: Indemnity of municipal officials

356           Section 15. Any city or town which accepted section one hundred I of chapter forty-one  
357 on or before July twentieth, nineteen hundred and seventy-eight, and any other city which  
358 accepts this section according to its charter, and any town which accepts this section in the  
359 manner hereinafter provided in this section shall indemnify and save harmless municipal  
360 officers, elected or appointed from personal financial loss and expense including reasonable legal  
361 fees and costs, if any, in an amount not to exceed ten million dollars, arising out of any claim,  
362 demand, suit or judgment by reason of any act or omission, except an intentional violation of

363 civil rights of any person, if the official at the time of such act or omission was acting within the  
364 scope of the employee's official duties or employment.

365 This act shall be submitted for acceptance to the voters of each town at an annual town  
366 meeting in the form of the following question which shall be placed on the official ballot to be  
367 used for the election of town officers at said meeting:—"Shall the town vote to accept the  
368 provisions of section thirteen of chapter two hundred and fifty-eight of the General Laws which  
369 provides that the town shall indemnify and save harmless municipal officers, elected or  
370 appointed, from personal financial loss and expense including reasonable legal fees and costs, if  
371 any, in an amount not to excess of ten million dollars, arising out of any claim, demand, suit or  
372 judgment by reason of any act or omission except an intentional violation of civil rights of any  
373 person under any law, if the official at the time of such act or omission was acting within the  
374 scope of the employee's official duties or employment?" If a majority of the votes in answer to  
375 said question is in the affirmative, said provisions shall thereupon take full effect, but not  
376 otherwise.

377 Section 16: For the purpose of satisfying liens for past due child support, securing  
378 repayment of public assistance benefits, and past taxes, a public employer shall comply with  
379 sections 24D, 24E, and 24F of chapter 175 and any regulations promulgated thereunder in the  
380 same manner as if it were a company authorized to issue policies of insurance pursuant to said  
381 chapter 175.

382 Section 17: If any portion of this statute is determined to be unconstitutional or  
383 unenforceable then the remaining provisions shall remain in full force and effect to accomplish

384 the intent of this statute. The provisions of this act shall apply only to events or occurrences  
385 subsequent to the date of enactment of this statute.