

SENATE No. 2763

The Commonwealth of Massachusetts

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

SENATE, May 6, 2024.

The committee on Public Service, to whom was referred the petitions (accompanied by bill, Senate, No. 1738) of Walter F. Timilty, Bruce J. Ayers, Michael D. Brady and William J. Driscoll, Jr. (by vote of the town) for legislation relative to the disability retirement of Casey L'Italien, a police officer in the city known as the town of Randolph, report the accompanying bill (Senate, No. 2763).

For the committee,
Michael D. Brady

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**In the One Hundred and Ninety-Third General Court
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An Act relative to the disability retirement of Casey L'Italien, a police officer in the city known as the town of Randolph.

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

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary. the Norfolk
2 County Retirement Board shall increase the accidental disability retirement allowance payable to
3 Casey L'Italien, a retired police officer of the police department of the town of Randolph who, as
4 a result of injuries sustained while in the performance of her duties on May 25, 2021, is totally
5 and permanently incapacitated from performing the essential duties of a police officer.

6 (b) The annual amount of pension payable to Casey L'Italien shall be equal to the regular
7 rate of compensation which would have been paid had she continued in service as a police
8 officer of the town of Randolph at the grade held by her at the time of her retirement until her
9 death or reaching mandatory retirement age, whichever comes first. All amounts paid under this
10 act shall be non-taxable to the extent allowable under state and federal law.

11 (c) Notwithstanding section 91A of chapter 32 of the General Laws or any other general
12 or special law to the contrary, Casey L'Italien's annual earnings, when added to her retirement

13 allowance, may annually earn up to one-half the amount of her retirement allowance without
14 refund penalty.

15 (d) Upon attaining the mandatory retirement age for a police officer of the town of
16 Randolph, Casey L'Italien shall receive a pension pursuant to section 7 of said chapter 32, a
17 yearly amount of pension equal to 80 per cent of the annual rate of the compensation she was
18 receiving on the day before she reaches the mandatory retirement age for a police officer in the
19 town of Randolph.

20 SECTION 2. Notwithstanding any general or special law to the contrary, Casey L'Italien
21 shall be entitled to receive indemnification for all hospital, medical and related expenses that
22 have been or may be incurred after the date of her retirement as a result of the injuries sustained
23 by her while in the performance of her duties on May 25, 2021, in accordance with sections 100
24 and 100B of chapter 41 of the General Laws.

25 SECTION 3. Notwithstanding any general or special law to the contrary, the Norfolk
26 County Retirement Board shall forthwith pay to said Casey L'Italien the amount credited to her
27 as accumulated total deductions in the annuity savings fund of the Norfolk County Retirement
28 Board as of the effective date of this act.

29 SECTION 4. Notwithstanding any general or special law to the contrary, if Casey
30 L'Italien was married on the date of her injury then, upon her death, if she is still married to the
31 spouse she was married to on the date of injury then, should her spouse to whom she was
32 married on the date of injury survive her, the Norfolk County Retirement Board shall pay to the
33 spouse an annuity in the amount of 75 per cent of the amount of the pension which otherwise
34 would have been payable to Casey L'Italien until the spouse's death. The pension benefits

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

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

46 SECTION 6. This act shall take effect upon its passage.