



## **STATE OF MASSACHUSETTS**

### **DEATH BENEFITS**

**IMPORTANT NOTICE:** Both Federal and State death benefits **MAY** be tax exempt.

**The IRS Code of the United States states that:**

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

IRS Code 101 (h) (1) In general. Gross income shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968) killed in the line of duty.

Exceptions (1) shall not apply with respect to the death of any public safety officer if as determined in accordance with the provisions of the Omnibus Crime Control and Safety Streets Act of 1968

101 (h) (2) (A) the death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death, the officer was voluntarily intoxicated at the time of death, the officer was

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performing such officer's duties in a grossly negligent manner at the time of death, or the payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

**To obtain certified copies of registered personal documents, contact the Division of Vital Records, 150 Tremont Street, Room B-3, Boston, MA 02111, phone (617) 727-0036.**

Law Enforcement consists of **several police organizations and departments**, all of which would be governed by Massachusetts General Laws. To provide some conceptual framework, please understand that the main breakdown of Police Organizations within the Commonwealth is as follows:

1. Massachusetts State Police (M.S.P.)
2. Municipal City and Town Police (Locals)

Benefits for MSP would be **provided directly by the State and their separate, respective unions** which represent them. Local police department benefits are provided through the **City or Town and upon votes of their governing body** such as the Mayor, City Council, or by registered voters.

## **STATE DEATH BENEFITS**

### **C32 Sec. 100A - STATE DEATH PAYMENT**

A **\$100,000** killed-in-line-of-duty benefit shall be a one-time award payable to the family of a firefighter, public prosecutor, police officer, or corrections officer who, while in the performance of his duties and as a result of incident, accident, or violence, is killed or sustains injuries which are the direct and proximate cause of his death.

This benefit shall be **in addition** to amounts payable under Sec. 100 and shall be payable to the family of the deceased public safety employee in a manner determined by the state board of retirement. As used in this section, the word family shall mean the surviving spouse or, if there is no surviving spouse, the child or children, or, if there is no surviving child, the parent or parents. The board, at its discretion, may purchase life insurance for the purpose of paying said benefit.

This benefit **shall not be taxable** by the commonwealth.

This act shall apply in the case of a death occurring **on or after January 1, 1993**.

**Contact the State Board of Retirement or your Benefits Assistance Officer.**

**Payment of Funeral and Burial Expenses - M.G.L. 41 Sec.100G**

**For Municipal Police whose governing body has adopted this section of the M.G.L.**



Governing Body **has the option** of adopting this section or section 100G 1/4 or they may elect either.

Reasonable expenses **not exceeding \$2,000** of funeral and burial of any police officer killed in performance of duty. This is paid to those presenting expenses for funeral and burial cost.

M.G.L. 41 Sec. 100G 1/4. Reasonable expenses are paid for funeral and burial of any police officers killed in performance of duty, **not exceeding \$5,000**.

## **STATE PENSION BENEFITS**

### **PART I. ADMINISTRATION OF THE GOVERNMENT**

#### **TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS**

##### **CHAPTER 32. RETIREMENT SYSTEMS AND PENSIONS**

###### **PENSIONS FOR POLICE AND FIREMEN**

###### **Chapter 32: Section 89E. Accidental death benefits for volunteer emergency service providers**

Section 89E. (a) Notwithstanding section 27C of chapter 29 of the General Laws or any other general or special law to the contrary, any city, town, or district that utilizes volunteer emergency service providers shall provide 1 of the following 3 accidental death benefits for the surviving spouse of a volunteer emergency service provider. If any call, volunteer, auxiliary, intermittent, or reserve firefighter, or a call, volunteer, auxiliary, intermittent, or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to chapter 152, while in the performance of his duties and as a 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 or emergency medical service provider 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 results in his death; or an auxiliary, intermittent, special, part-time, or reserve police officer who, while in the performance of his duties, and as a 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, his surviving spouse shall be eligible for 1 of the following accidental death benefits as selected by the city, town, or district.

(1) The city, town, or district shall pay to the surviving spouse an accidental death benefit in the form of an annuity equal to at least 2/3 of but not more than 100 per cent of the annual rate of regular compensation payable to a regular or permanent member of the police or fire



department in the first year of service or, if the police or fire department does not have any regular or permanent members, an annuity equal to at least 2/3 of but not more than 100 per cent of the annual average compensation payable to a regular or permanent firefighter, emergency medical services provider or police officer in the local area; this average to be determined by a survey of 3 surrounding cities, towns or districts, as determined by the public employee retirement administration commission. The annuity shall be increased annually by an amount equal to the percentage increase in the cost of living determination made by the general court for that year under section 102.

(2) The city, town or district shall establish an insurance policy that provides a one-time accidental death benefit of \$500,000, indexed for inflation.

(3) The city, town or district shall establish an insurance policy that provides an annuity payment of not less than 2/3 of but not more than 100 per cent of the annual rate of regular compensation payable to a regular or permanent member of the police or fire department in the first year of service or, if the police or fire department does not have any regular or permanent members, the accidental death benefit to the surviving spouse shall be based on the annual average compensation payable to a regular or permanent firefighter, emergency medical services provider or police officer in the local area; such average to be determined by a survey of 3 surrounding cities, towns or districts, as determined by the public employee retirement administration commission.

(b) If there is no surviving spouse or if the surviving spouse later dies, the benefit that would have been payable under this section to the surviving spouse will be payable to the surviving minor children until they reach the age of majority and to any adult children of the deceased volunteer emergency services provider who are physically or mentally incapacitated from earning. These payments will be on a per capita basis among any minor or incapacitated children. The benefits payable under this section are subject to judgments or orders for child support of any court of competent jurisdiction.

(c) The surviving spouse or, if there is no surviving spouse, the legal representative of any minor or disabled children shall elect the benefits provided under this section or any accidental death benefits provided by this chapter, except section 100A, to which he may be entitled. This election shall be made in writing and shall not be subject to change or revocation after the first payment of any benefit under this section.

(d) As used in this section, volunteer emergency services provider shall mean a call, volunteer, auxiliary, intermittent or reserve firefighter, or a call, volunteer, auxiliary, intermittent or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to chapter 152, or an auxiliary, intermittent, special, part-time or reserve police officer.

(e) Nothing in this section shall preclude a city, town or district from entering into an agreement with 1 or more governmental units for the purpose of pooling resources to pay for accidental death benefits for the surviving spouse of a volunteer emergency services provider who sustains injuries or illnesses, while in the performance of his duties, which are the direct and proximate cause of his death



### **M.G.L. 32 sec. 100**

For **all State and Municipal** Law Enforcement Officers killed in the line of duty. An annual amount of pension shall be paid to the surviving spouse **equal to the amount of salary which would have been paid to such police officer at time of death**; however the amount of pension immediately payable shall be equal to the **maximum salary set for the position** whether or not such police officer had reached the maximum at the time of death.

**Contact: State Board of Retirement for all MSP. Appropriate Board of Retirement or Board of Selectmen for Municipalities.**

If no surviving spouse, or if spouse has remarried, pensions are **paid to surviving children** or their legal guardian. Each child should be paid the sum of **\$312 per annum** in addition to a payment equal to 72% of the pension which said surviving spouse was receiving at the time of such surviving spouse's death or remarriage.

Such payment to be made in proportionate shares to the legal guardian for the benefit of each child until such time as all children have **attained age 18 or have attained age 21** if full time students, such payment shall continue of such children who are **over age 18 and physically or mentally incapacitated from earning**.

## **REAL ESTATE TAX EXEMPTION**

### **M.G.L. 59 Sec.5, cl (42) & (43)**

**For MSP and Municipal officers**; killed in line of duty. Payable to surviving spouse, **exemption of real estate taxes, providing real estate if owned and occupied by such surviving spouse as a domicile.**

Payable to **surviving minor children including adopted children**, exemption of real estate taxes, providing real estate is owned and occupied by such children as their domicile.

## **EDUCATION BENEFITS**

### **M.G.L. 69 Sec. 7E**

Scholarships are available for children of police officers who have died in the performance of duty. **All M.S.P., and all Municipal Police**, who are permanent members of said department, and who die in the performance of duty.

Amount of benefit is equal to the **amount of tuition** charged by the institution attended.



The child must have graduated from a high school **within the Commonwealth**. Child must qualify for entrance and benefit only applicable to: **Lowell Technological Institute, SE Massachusetts Technical Institute, University of Massachusetts, and any state college and any regional community college**. As long as recipient remains a student in good standing at such institute, but in no event shall any student receive such scholarship aid for **more than 4 years**.

## **HEALTH BENEFITS**

### **M.G.L. 32B Sec. 9G**

Group Health and Dental Insurance - **All M.S.P., and all Municipal Officers in which their Governing Body has adopted this section of the M.G.L. For the benefit of surviving spouse and any dependents under age 19.**

To continue Group Health and Dental Insurance, surviving spouse must **pay 50% of the premium**, the Governmental unit shall contribute the remaining 50% of said premium. MSP and some Municipalities Dental benefits are covered by the union and **not** State coverage.

Benefits will continue until the **remarriage or death** of the surviving spouse.

## **GROUP ACCIDENTAL & DEATH INSURANCE**

### **M.G.L. 32B Sec. 11, 11A, 11D**

Provided for all **Municipal Officers in which their Governing Body has adopted this section of the M.G.L.** This benefit is payable upon the death of a police officer in the performance of duties to named beneficiaries or the estate.

Group Accidental Death Insurance is provided **for twice the maximum amount** provided under M.G.L. 32B Sec. 11A, whether or not said employee is insured for such maximum amount under said 32B Sec. 11A.

Employee to pay **50%** of premium, governing unit to pay remaining 50% of said premium.

Upon retirement of police officer benefit shall terminate.

### **M.G.L. 32B Sec. 4, 5, 7.**

**MSP** Payable upon the death of police officer to named beneficiary or to the estate.

Amount of benefit shall not be less than **\$2,000**, both accidental and Group Life Insurance. Currently policies are for **\$5,000** for Accidental Death and Group Life Insurance.

Employee to pay **50%** of premium, Governing Body to pay remaining 50% of said premium.





## **OPTIONAL ADDITIONAL GROUP LIFE AND ACCIDENTAL DEATH INSURANCE**

### **M.G.L. 32B Sec. 11A**

**All MSP and all Municipal Police whose Governing Body has adopted this section of the M.G.L.**

Payable upon the death of the Police officer to the **named beneficiary** or to the estate.

Amount of benefit is based on gross annual salary, wages or compensation, rule of thumb: generally at least **\$1,000 less than salary maximum**.

Employee bears cost of **all premiums**.

## **WORKERS' COMPENSATION**

Workers' Compensation coverage is compulsory for employers in Massachusetts.

Benefit is **66 2/3%** of employee's wages for a spouse or a spouse with child(ren) with a **minimum weekly benefit of \$110 and a maximum weekly benefit of \$565.94**. Dependent surviving spouses receive benefits during periods when they are not fully self-supporting and benefits **cease upon remarriage**. Total maximum payable may not exceed **250 times the State's Average Weekly Wage** in effect at time of injury. There is also a maximum burial allowance of **\$4,000**.

Children receive benefits until **age 18 or beyond age 18 if disabled, or regardless of age if full-time students**. Additional \$6 will be added per child if weekly benefits are **below \$150**.

To receive workers' compensation benefits the surviving spouse must **take the initiative** and file a workers' compensation claim through a **workers' compensation attorney** to receive any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board.

**Contact the Department of Industrial Accidents, 600 Washington, Boston, MA 02111, telephone (617) 727-4900.**

## **PERSONAL LIFE POLICY - INTESTATE**

Real estate and personal property not disposed of by will, **subject to rights of spouse of deceased (See infra, subhead Surviving Spouse) and to rights of homestead**, go to children and to issue of any deceased child by right of representation; **if no surviving child** of intestate, then to all his other lineal descendants, in equal shares if of same degree, otherwise by right of representation; **if no issue**, then equally to father and mother or survivor of them; **if no issue, father or mother**, then to brothers and sisters and to issue of any deceased



brother or sister by right of representation; **if no surviving brother or sister** of intestate, then to all issue of his deceased brothers and sisters, in equal shares if of same degree, otherwise by right of representation; **if no issue, father or mother, or issue of father or mother**, then to next of kin in equal degree, through nearest ancestor. Degrees of kindred are computed according to rules of civil law; kindred of half blood inherit equally with whole blood in same degree. **Illegitimate child is heir of mother** and of any maternal ancestor and is deemed legitimate if parents intermarry and father acknowledges him as his child. As to inheritance by and from adopted persons.

In case of intestacy, title to Massachusetts real estate **vests in heirs** at law on death of decedent, whether resident or nonresident, subject to right of administrator to sell or mortgage for payment of debts, taxes, administration expenses, etc., if applicable personal property of estate is insufficient.

**Surviving Spouse** - Election of dower must be filed in probate registry **within six months** after approval of bond of executor or administrator. If surviving spouse fails to elect, he or she takes following shares of property not disposed of by will: if deceased leaves kindred but no issue and estate does not exceed \$200,000, surviving spouse takes **all**; otherwise survivor takes **\$200,000 and one-half of remaining personal and real property** (if personal property is insufficient to pay \$200,000, interested party may petition to have survivor paid from sale or mortgage); if deceased leaves issue, survivor receives **one-half** of personal and of real property; if deceased leaves neither kindred nor issue, survivor takes all.

## **ADDITIONAL BENEFITS**

Various unions and benevolent societies usually make contributions to surviving families so it is wise to check those sources also.

## **PEER SUPPORT ORGANIZATION**

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit [www.nationalcops.org/chap.htm](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**

## **FUNERAL AND CREMATION BENEFITS**

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of



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duty. Visit their website for complete information @ [www.dignitymemorial.com](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.