

HOUSE No. 03479

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 passage of the accompanying bill:

An Act RELATIVE TO THE PAYMENT OF PENSION BENEFITS.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 03479

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley relative to the suspension of retirement allowance payments to retired public employees upon conviction of a felony . Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 77 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act RELATIVE TO THE PAYMENT OF PENSION BENEFITS.

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. M.G.L. c.32, §5(3) is hereby amended by inserting the following subsection:
- 2 (5) Payments to a member retired under the provisions of this section who is incarcerated for
- 3 having been convicted of a felony committed on or after the effective date of this paragraph shall
- 4 cease for the period of such member's incarceration. Under no circumstances shall such
- 5 payments be recoverable by such member after such period of incarceration.
- 6 If the attorney general or a district attorney becomes aware of a final conviction of a member or
- 7 retiree of a retirement system for a felony under circumstances which may require suspension of
- 8 the member's rights to a pension, retirement allowance or a return of his accumulated total

9 deductions pursuant to this sub-section, he shall immediately notify the public employee
10 retirement administration commission of such conviction. The commission shall then
11 immediately notify the applicable retirement system.

12 SECTION 2. M.G.L. c.32, §7(2)(d) is hereby amended by inserting the following paragraph:

13 If the attorney general or a district attorney becomes aware of a final conviction of a member or
14 retiree of a retirement system for a felony under circumstances which may require suspension of
15 the member's rights to a pension, retirement allowance or a return of his accumulated total
16 deductions pursuant to this sub-section, he shall immediately notify the public employee
17 retirement administration commission of such conviction. The commission shall then
18 immediately notify the applicable retirement system.

19

20 SECTION 3. M.G.L. c.32, §10 is hereby amended by inserting the following subsection:

21 Payments to a member retired under the provisions of this section who is
22 incarcerated for having been convicted of a felony committed on or after the effective date of this
23 paragraph shall cease for the period of such member's incarceration. Under no circumstances
24 shall such payments be recoverable by such member after such period of incarceration.

25 If the attorney general or a district attorney becomes aware of a final conviction of a member or
26 retiree of a retirement system for a felony under circumstances which may require suspension of
27 the member's rights to a pension, retirement allowance or a return of his accumulated total
28 deductions pursuant to this sub-section, he shall immediately notify the public employee

29 retirement administration commission of such conviction. The commission shall then
30 immediately notify the applicable retirement system.

31 SECTION 4. M.G.L. c.32, §26 is hereby amended by inserting the following subsection:

32 (6) Payments to a member retired under the provisions of this section who is incarcerated for
33 having been convicted of a felony committed on or after the effective date of this paragraph shall
34 cease for the period of such member's incarceration. Under no circumstances shall such
35 payments be recoverable by such member after such period of incarceration.

36 If the attorney general or a district attorney becomes aware of a final conviction of a member or
37 retiree of a retirement system for a felony under circumstances which may require suspension of
38 the member's rights to a pension, retirement allowance or a return of his accumulated total
39 deductions pursuant to this sub-section, he shall immediately notify the public employee
40 retirement administration commission of such conviction. The commission shall then
41 immediately notify the applicable retirement system.

42 SECTION 5. M.G.L. c.32, §28M is hereby amended by inserting the following paragraph:

43 Payments to a member retired under the provisions of this section who is incarcerated for having
44 been convicted of a felony committed on or after the effective date of this paragraph shall cease
45 for the period of such member's incarceration. Under no circumstances shall such payments be
46 recoverable by such member after such period of incarceration.

47 If the attorney general or a district attorney becomes aware of a final conviction of a member or
48 retiree of a retirement system for a felony under circumstances which may require suspension of
49 the member's rights to a pension, retirement allowance or a return of his accumulated total

50 deductions pursuant to this sub-section, he shall immediately notify the public employee
51 retirement administration commission of such conviction. The commission shall then
52 immediately notify the applicable retirement system.

53 SECTION 6. M.G.L. c.32, §28N is hereby amended by inserting the following paragraph:

54 Payments to a member retired under the provisions of this section who is incarcerated for having
55 been convicted of a felony committed on or after the effective date of this paragraph shall cease
56 for the period of such member's incarceration. Under no circumstances shall such payments be
57 recoverable by such member after such period of incarceration.

58 If the attorney general or a district attorney becomes aware of a final conviction of a member or
59 retiree of a retirement system for a felony under circumstances which may require suspension of
60 the member's rights to a pension, retirement allowance or a return of his accumulated total
61 deductions pursuant to this sub-section, he shall immediately notify the public employee
62 retirement administration commission of such conviction. The commission shall then
63 immediately notify the applicable retirement system.

64 SECTION 7. M.G.L. c.32, §65 is hereby amended by inserting the following section:

65 “§65K Pension Payments to Incarcerated Members

66 Payments to a member retired under the provisions of sections 65A-65J who is incarcerated for
67 having been convicted of a felony committed on or after the effective date of this paragraph shall
68 cease for the period of such member's incarceration. Under no circumstances shall such
69 payments be recoverable by such member after such period of incarceration.

70 If the attorney general or a district attorney becomes aware of a final conviction of a member or
71 retiree of a retirement system for a felony under circumstances which may require suspension of
72 the member's rights to a pension, retirement allowance or a return of his accumulated total
73 deductions pursuant to this sub-section, he shall immediately notify the public employee
74 retirement administration commission of such conviction. The commission shall then
75 immediately notify the applicable retirement system.”