

HOUSE No. 3500

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 disqualification of convicted felons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Viriato Manuel deMacedo	1st Plymouth
Elizabeth Poirier	14th Bristol
Lewis G. Evangelidis	1st Worcester
Paul K. Frost	7th Worcester
Susan Williams Gifford	2nd Plymouth
Bradford R. Hill	4th Essex
Richard J. Ross	9th Norfolk
Todd M. Smola	1st Hampden
Robert S. Hargraves	1st Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DISQUALIFICATION OF CONVICTED FELONS.

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. Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the definition of "Executive agent" and inserting in
3 place thereof the following definition:-

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5 "Executive agent", a person who for compensation or reward does any act to influence the
6 decision of any officer or employee of the executive branch or an authority, including but not
7 limited to statewide constitutional officers and employees thereof, where such decision concerns
8 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant
9 thereto, or any act to communicate directly with a covered executive official to influence a
10 decision concerning policy or procurement. The term "executive agent" shall include a person
11 who, as part of his regular and usual business or professional activities and not simply incidental
12 thereto, attempts to influence any such decision, whether or not any compensation in addition to
13 the salary for such activities is received for such services; provided, that a convicted felon shall
14 not engage in any such activities and provided further that a convicted felon shall not be
15 permitted to register as an "executive agent". For the purposes of this definition a person shall
16 be presumed to engage in activity covered by this definition in a manner that is simply incidental
17 to his regular and usual business or professional activities if he: (i) engages in any activity or
18 activities covered by this definition for not more than 25 hours during any reporting period; and
19 (ii) receives less than \$5,000 during any reporting period, for any activity or activities covered by
20 this definition.

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23 SECTION 2. Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official
24 Edition, is hereby amended by striking out the definition of "Legislative agent" and inserting in
25 place thereof the following definition:-

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27 "Legislative agent", a person who for compensation or reward does any act to promote, oppose
28 or influence legislation, or to promote, oppose or influence the governor's approval or veto
29 thereof. The term "legislative agent" shall include a person who, as part of his regular and usual

30 business or professional activities and not simply incidental thereto, attempts to promote, oppose
31 or influence legislation, or the governor's approval or veto thereof, whether or not any
32 compensation in addition to the salary for such activities is received for such services; provided,
33 that a convicted felon shall not engage in any such activities and provided further that a
34 convicted felon shall not be permitted to register as a "legislative agent". For purposes of this
35 definition a person shall be presumed to engage in activity covered by this definition in a manner
36 that is simply incidental to his regular and usual business or professional activities if he: (i)
37 engages in any activity or activities covered by this definition for not more than 25 hours during
38 any reporting period; and (ii) receives less than \$5,000 during any reporting period, for any
39 activity or activities covered by this definition.

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41 SECTION 3. Chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby
42 amended by striking out section 45 in its entirety and inserting in place thereof the following
43 section:-

44 Section 45. No person who has been convicted of a felony shall act as an executive or legislative
45 agent. The state secretary shall automatically disqualify a person who has been convicted of a
46 felony from acting and registering as an executive or legislative agent. The state secretary may,
47 upon cause shown therefor, disqualify a person from acting as an executive or legislative agent.
48 A person against whom proceedings for disqualification are brought shall be allowed a public
49 hearing before the secretary or his designee. Such hearings shall be subject to the provisions of
50 chapter thirty A. No person who has been so disqualified shall be employed as an executive or
51 legislative agent until the termination of the third regular session of the general court after such
52 disqualification.

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