HOUSE . . . . . No. 3479

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
2 subsection:

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

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

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

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

21

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

23 Payments to a member retired under the provisions of this section who is

24 incarcerated for having been convicted of a felony committed on or after the effective
25 date of this paragraph shall cease for the period of such member's incarceration. Under no
26 circumstances shall such payments be recoverable by such member after such period of
27 incarceration.

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

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

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

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

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

47 Payments to a member retired under the provisions of this section who is incarcerated for
48 having been convicted of a felony committed on or after the effective date of this paragraph shall

49 cease for the period of such member's incarceration. Under no circumstances shall such
50 payments be recoverable by such member after such period of incarceration.

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

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

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

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

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

70 "§65K Pension Payments to Incarcerated Members

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

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