

**HOUSE . . . . . No. 77**

Accompanying the twelvth recommendation of the State Treasurer and Receiver General (House, No. 65). Public Service.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Nine.

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. 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 for  
4 having been convicted of a felony committed on or after the effective date of this paragraph shall  
5 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 SECTION 2. M.G.L. c.32, §10 is hereby amended by inserting the following subsection:

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

12 SECTION 3. M.G.L. c.32, §26 is hereby amended by inserting the following subsection:

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

17 SECTION 4. M.G.L. c.32, §28M is hereby amended by inserting the following paragraph:

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

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

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

27       SECTION 6. M.G.L. c.32, §65 is hereby amended by inserting the following section:

28       “§65K Pension Payments to Incarcerated Members

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