

HOUSE No. 00970

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, 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 veterans' benefits equity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

HOUSE No. 00970

By Mr. Carl M. Sciortino of Medford, petition (accompanied by bill, House, No. 00970) of Carl M. Sciortino and others relative to veterans' benefits equity for persons discharged from the military based on certain consensual conduct. Joint Committee on Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3399 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to veterans' benefits equity.

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. Whereas, the Commonwealth of Massachusetts honors the service of its veterans,
- 2 and
- 3 Whereas, veterans receive specific state-funded benefits and protections under Massachusetts
- 4 General Laws, and;
- 5 Whereas, Massachusetts prohibits discrimination based upon a person's sexual orientation, and;
- 6 Whereas, the Constitution of the Commonwealth recognizes the right of same-sex couples to
- 7 marry, and;

8 Whereas, the Federal government has prohibitions for those serving in the armed forces against
9 homosexual conduct and considers the marriage of persons of the same sex grounds sufficient for
10 discharge, and;

11 Whereas, all veterans in the Commonwealth deserve the same rights and benefits regardless of
12 sexual orientation or marriage status,

13 Therefore,

14 SECTION 2. Section 7 of Chapter 4 of the Massachusetts General Laws, as appearing in the
15 2006 Official Edition, is hereby amended by inserting at the end of Clause 43 the following-

16 “(4) Nothing in this clause shall be construed to deny benefits to anyone discharged solely under
17 Article 125 of the Uniform Code of Military Justice when such discharge was the result of
18 consensual behavior between legal adult persons; or anyone discharged solely under Chapter 37
19 of Title 10 of the US Code, Section 654. Nor shall anything in this clause be construed to deny
20 benefits to a same-sex spouse or beneficiary of a veteran.

21 The Department of Veterans’ Services shall promulgate regulations as necessary to ensure
22 veterans discharged under the above mentioned codes, and/or same-sex spouses of veterans, may
23 appeal their eligibility status for Chapter 115 benefits that they would otherwise be entitled to
24 under Massachusetts General Laws and regulations.

25 Any veteran and/or same-sex spouse of a veteran, whose discharge is determined to be the result
26 of consensual behavior between legal adult persons, or anyone discharged solely under Chapter
27 37 of Title 10 of the US Code, Section 654, shall be eligible for and receive benefits under this
28 section.”