

SENATE No. 772

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger, (BY REQUEST)

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 adoption of the accompanying bill:

An Act relative to the establishing of criminal penalties, under Public Corruption Laws, for violating the oaths of office as prescribed by the Massachusetts Constitution and M.G.L. c. 221 § 38.

PETITION OF:

NAME:

Mark A. Thomas

DISTRICT/ADDRESS:

482 Beacon St. Boston, MA 02115

SENATE No. 772

By Mr. Brownsberger (by request), a petition (accompanied by bill, Senate, No. 772) of Mark A. Thomas for legislation to establish criminal penalties, under Public Corruption Laws, for violating the oaths of office as prescribed by the Massachusetts Constitution and M.G.L. c. 221 § 38. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the establishing of criminal penalties, under Public Corruption Laws, for violating the oaths of office as prescribed by the Massachusetts Constitution and M.G.L. c. 221 § 38.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 1. WHEREAS, many public officials and employees of the Commonwealth of
2 Massachusetts whether elected or appointed to their positions are required by the Massachusetts
3 Constitution to take several Oaths regarding the performance of their official duties, and as to
4 their support and faithfulness to the Massachusetts Constitution and the United States
5 Constitution;

6 2. WHEREAS, all lawyers admitted to the practice of law in the Commonwealth of
7 Massachusetts are firstly required by M.G.L. c. 221 § 38 to take an Oath of Office regarding
8 truthfulness regarding their dealings in the Courts of Massachusetts;

9 3. WHEREAS, these several Oaths are taken under the pains and penalties of
10 perjury;

11 4. WHEREAS, in the past, various employees of the Commonwealth of
12 Massachusetts in the Legislative, Executive and Judicial branches of government having taken
13 these several Oaths and have violated and been unfaithful to these Oaths;

14 5. WHEREAS, to violate an Oath of Office or Loyalty under the pains and penalties
15 of perjury is criminal conduct reflecting adversely on the fitness of any public employee of the
16 Commonwealth;

17 NOW THEREFORE, it being agreed and established that the swearing and violation of
18 Oaths of Office and Loyalty is a sufficiently grave matter:

19 BE IT ENACTED by the Senate and House of Representatives in General Court
20 assembled, that any public employee of the Commonwealth having taken any of the several
21 Oaths required by any law of the Commonwealth and having violated the terms, conditions or
22 requirements of that Oath in any material thing, manner, intent, conduct or behavior related to
23 their public employment, such individual shall be subject to suspension from their public
24 employment and prosecution for the offense of perjury. FURTHERMORE, any person, whether
25 in private or public life under the jurisdiction of the Commonwealth, who shall induce,
26 encourage, facilitate or enable any public employee of the Commonwealth to violate any Oath of
27 Office or Loyalty, such individuals shall be subject to prosecution for the offense of subornation
28 of perjury. PROVIDED HOWEVER, that any person duly convicted of perjury or subornation of
29 perjury, in any jurisdiction, shall be disqualified from holding any position of trust or
30 importance, whether elected or appointed, under the jurisdiction of the Commonwealth of
31 Massachusetts.