

HOUSE No. 3399

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 veterans, and

3 Whereas, veterans receive specific state-funded benefits and protections under
4 Massachusetts General Laws, and;

5 Whereas, Massachusetts prohibits discrimination based upon a person's sexual
6 orientation, and;

7 Whereas, the Constitution of the Commonwealth recognizes the right of same-sex
8 couples to marry, and;

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

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

14 Therefore,

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

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

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

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