

**HOUSE . . . . . No. 3500**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the disqualification of convicted felons..

*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 39 of chapter 3 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by striking out the definition of "Executive agent" and  
3 inserting in place thereof the following definition:-

4 "Executive agent", a person who for compensation or reward does any act to influence  
5 the decision of any officer or employee of the executive branch or an authority, including but not  
6 limited to statewide constitutional officers and employees thereof, where such decision concerns  
7 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant  
8 thereto, or any act to communicate directly with a covered executive official to influence a  
9 decision concerning policy or procurement. The term "executive agent" shall include a person  
10 who, as part of his regular and usual business or professional activities and not simply incidental  
11 thereto, attempts to influence any such decision, whether or not any compensation in addition to  
12 the salary for such activities is received for such services; provided, that a convicted felon shall  
13 not engage in any such activities and provided further that a convicted felon shall not be  
14 permitted to register as an "executive agent". For the purposes of this definition a person shall

15 be presumed to engage in activity covered by this definition in a manner that is simply incidental  
16 to his regular and usual business or professional activities if he: (i) engages in any activity or  
17 activities covered by this definition for not more than 25 hours during any reporting period; and  
18 (ii) receives less than \$5,000 during any reporting period, for any activity or activities covered by  
19 this definition.

20 SECTION 2. Section 39 of chapter 3 of the General Laws, as appearing in the 2006  
21 Official Edition, is hereby amended by striking out the definition of "Legislative agent" and  
22 inserting in place thereof the following definition:-

23 "Legislative agent", a person who for compensation or reward does any act to promote,  
24 oppose or influence legislation, or to promote, oppose or influence the governor's approval or  
25 veto thereof. The term "legislative agent" shall include a person who, as part of his regular and  
26 usual business or professional activities and not simply incidental thereto, attempts to promote,  
27 oppose or influence legislation, or the governor's approval or veto thereof, whether or not any  
28 compensation in addition to the salary for such activities is received for such services; provided,  
29 that a convicted felon shall not engage in any such activities and provided further that a  
30 convicted felon shall not be permitted to register as a "legislative agent". For purposes of this  
31 definition a person shall be presumed to engage in activity covered by this definition in a manner  
32 that is simply incidental to his regular and usual business or professional activities if he: (i)  
33 engages in any activity or activities covered by this definition for not more than 25 hours during  
34 any reporting period; and (ii) receives less than \$5,000 during any reporting period, for any  
35 activity or activities covered by this definition.

36 SECTION 3. Chapter 3 of the General Laws, as appearing in the 2006 Official Edition,  
37 is hereby amended by striking out section 45 in its entirety and inserting in place thereof the  
38 following section:-

39 Section 45. No person who has been convicted of a felony shall act as an executive or  
40 legislative agent. The state secretary shall automatically disqualify a person who has been  
41 convicted of a felony from acting and registering as an executive or legislative agent. The state  
42 secretary may, upon cause shown therefor, disqualify a person from acting as an executive or  
43 legislative agent. A person against whom proceedings for disqualification are brought shall be  
44 allowed a public hearing before the secretary or his designee. Such hearings shall be subject to  
45 the provisions of chapter thirty A. No person who has been so disqualified shall be employed as  
46 an executive or legislative agent until the termination of the third regular session of the general  
47 court after such disqualification.