

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

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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 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  
2 following subsection:

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

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

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

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

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

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

31           “§65K Pension Payments to Incarcerated Members

32           Payments to a member retired under the provisions of sections 65A-65J who is  
33 incarcerated for having been convicted of a felony committed on or after the effective date of this

- 34 paragraph shall cease for the period of such member's incarceration. Under no circumstances
- 35 shall such payments be recoverable by such member after such period of incarceration.”