HOUSE . . . . . No. 24

So much of the recommendations of the Department of the State Treasurer (House, No. 17) as relates to retirement benefits. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to retirement benefits.

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

Section 19 of Chapter 32 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the second paragraph the following as sub-sections:

(2)(a) Any member's accumulated total retirement deductions, including interest, or annuity pension or retirement allowance, or any portion thereof, may be transferred by a retirement board to reimburse an employer for loss resulting from the member's criminal taking or misappropriation of funds or property of a governmental unit if a board receives adequate proof of the loss. The loss resulting from the member's misappropriation or criminal taking of funds or property of a governmental unit must be proven by a felony or misdemeanor final conviction.

(b) A board may withhold payment, including a refund or rollover, of any member's accumulated total retirement deductions, including interest, if the employer of the member notifies the board that felony or misdemeanor charges accusing the member of misappropriation or criminal taking of the employer's funds or property have been filed.

(c) A board may withhold payment of any member's accumulated total retirement deductions and interest under subsection (b), including a refund or rollover, until the final resolution of the criminal charges.

(3)(a) A board may withhold the processing of any application for any retirement benefits, pension or allowance, the payment, refund or rollover of total retirement deductions, including interest, or the transfer of a member’s retirement account if a member has been charged crimes pursuant to G.L. c.32, §15.

21 (b) A board may withhold the processing of any application for retirement benefits,
22 pension, or allowance, refund or rollover of accumulated retirement deductions, including
23 interest, or the transfer of a member's retirement account under subsection (a) until the final
24 resolution of the criminal charges.