

JOINT COMMITTEE ON PUBLIC SERVICE
2025-2026 (194th) BILL SUMMARY

Bill Number: H.19
Title: *An Act relative to pension forfeiture*
Sponsor(s): Public Employee Retirement Administration Commission
Hearing Date: April 14, 2025
Reporting Deadline: June 13, 2025

Prior History:

2023-24 (H.9) Reported favorably; Accompanied H18; Referred to House Ways and Means
2021-22 (H.10): Reported favorably; Referred to House Ways and Means
2019-20 (H.17): Reported favorably; Accompanied H21; Referred to House Ways and Means
2017-18 (S.1404): Ordered to a Senate Study

Similar Matters: H.28 (Massachusetts Teachers' Retirement System)

CURRENT LAW:

M.G.L. c. 32 § 5 – Superannuation retirement: Outlines the conditions for retirement allowance, the formulas to calculate the allowance, and other general provisions pertaining to retirement allowances. Paragraph (m) of subdivision one states that if a member of group one or two, whose employment started on or after January 1, 1978, and has not completed 10 years of creditable service, upon termination of their employment they are entitled to a return of their total amount of deductions with interest.

M.G.L. c. 32 § 10 – Resignation, failure of reappointment, removal or discharge: Conditions on which members who resign, fail to be reappointed, or are removed or discharged can receive a superannuation retirement allowance and how that allowance is calculated.

M.G.L. c. 32 § 15 – Dereliction of duty by members: Outlines the circumstances in which members must forfeit their retirement allowance and the proceedings that must occur. Depending on the offense, if certain conditions are met, they can receive a return of their accumulated total deductions. Actions specified include misappropriating funds, conviction of an offence involving the funds or property of a governmental unit, conviction of an offence, and conviction of an offence involving the laws applicable to their office or position, and intentionally concealing or misreporting compensation.

M.G.L. c. 32 § 16 subdivision 3 – Involuntary retirement; right to a hearing; right of review or appeal: Process for department heads to request a board hearing to potentially involuntarily retire a member and how employees can petition for the hearing to be private or public. This section also outlines the appeals process. Subdivision three state that certain members who are aggrieved by the decision of the board may file a petition in their local district court. If the member's position is subject to chapter 31 (civil

service), they retain the rights afforded to them in sections 42A, 42B, 43, and 45 of chapter 31 as they apply to their position.

M.G.L. c. 32 § 105 – Reinstatement: Any member retired under section five or section 10 is eligible to be reinstated in a retirement system under this chapter. They have to repay to the system they retired from an amount equal to the total amount of any retirement allowance received plus buyback interest. If they work for five years or less after being reinstated, they will receive a refund of payments made to the system but will not be entitled to any creditable service for the time. If the member has five or more years of reinstatement service, they are entitled to creditable service for that time as long as they are up to date on required payments to the system.

M.G.L. c. 32 § 8 – Evaluation and reexamination of members retired for disability: The process for members who have been retired for disability to be reinstated. This includes the types of exams needed and how modifications to their retirement allowance need to be made. The retirement allowance can be modified by the public employee retirement administration commission depending on the members' circumstances after a determination is made.

SUMMARY:

This bill would remove misdemeanors from crimes that trigger forfeiture bringing Massachusetts in line with most other jurisdictions. It would also provide that a member's benefit may be forfeited by one-third, two-thirds or to a minimum allowance which is equal to that of a group 1 member with 10 years of service at the minimum retirement age. Full forfeiture would be an option when the prosecuting attorney's office recommends it to the retirement board. The legislation also provides a specific list of criminal actions that trigger forfeiture when a member's primary job responsibilities involve contact with children, such as possession of child pornography, a sexually violent offense against a minor, or a sexual offense involving a child the member has contact with as part of his or her job duties.