

HOUSE No. 3725

By Mr. Sciortino of Medford, petition of Carl M. Sciortino, Jr., and others relative to veterans' benefits equity for persons discharged from the military based on certain consensual conduct. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Carl M. Sciortino, Jr.	Elizabeth A. Malia
Benjamin Swan	Cleon H. Turner
Denise Provost	Michael E. Festa
William N. Brownsberger	Thomas J. Calter
Ruth B. Balser	Kay Khan
Susan C. Fargo	Cheryl A. Coakley-Rivera
Massachusetts Gay &	Jarrett T. Barrios
Lesbian Political Caucus	Gloria L. Fox

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO VETERANS' BENEFITS EQUITY.

- 1 *Whereas*, The Commonwealth of Massachusetts honors the
- 2 service of its veterans; and
- 3 *Whereas*, veterans receive specific state-funded benefits and pro-
- 4 tections under Massachusetts General Laws; and
- 5 *Whereas*, Massachusetts prohibits discrimination based upon a
- 6 person's sexual orientation; and
- 7 *Whereas*, the Constitution of the Commonwealth recognizes the
- 8 right of same-sex couples to marry; and
- 9 *Whereas*, the Federal government has prohibitions for those
- 10 serving in the armed forces against homosexual conduct and con-
- 11 siders the marriage of persons of the same sex grounds sufficient for
- 12 discharge; and
- 13 *Whereas*, all veterans in the Commonwealth deserve the same
- 14 rights and benefits regardless of sexual orientation or marriage
- 15 status;
- 16 *Therefore*,

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 7 of Chapter 4 of the Massachusetts General Laws, as
2 appearing in the 2006 Official Edition, is hereby amended by
3 inserting at the end of Clause 43 the following—

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

11 The Executive Office of Veterans Affairs shall promulgate regula-
12 tions as necessary to ensure veterans discharged under the above
13 mentioned codes, and/or same-sex spouses of veterans, qualify for
14 and receive benefits they would otherwise be entitled to under
15 Massachusetts General Laws and regulations.”