

October 31, 2016

Mr. Steven T. James, House Clerk
Office of the Clerk of the House
State House, Room 145
Boston, MA 02133

Dear Mr. James:

Pursuant to the provisions of Section 33 of Chapter 30 of the General Laws, I hereby submit the attached legislative recommendation from The Massachusetts Teachers' Retirement Board for consideration during the 2017-2018 legislative session.

The attachment to this letter contains the summary for a proposed recommendation and actual legislative draft incorporating the recommendation. The proposed bill is:

1. AN ACT RELATED TO THE FORFEITURE OF PENSION UPON CONVICTION OF CHILD PORNOGRAPHY AND OTHER OFFENSES.

Please feel free to contact me should you have any questions about the content of this recommendation or need any additional information. Thank you for your assistance.

Sincerely,



Erika Glaster
Executive Director

EG/hp
encl.

**LEGISLATIVE RECOMMENDATION OF THE
MASSACHUSETTS TEACHERS' RETIREMENT BOARD
2017-2018 Legislative Session**

1. AN ACT RELATED TO THE FORFEITURE OF PENSION UPON CONVICTION OF CHILD PORNOGRAPHY AND OTHER OFFENSES.

The legislation would amend section 15 of Chapter 32 by re-defining the phrase "criminal offense involving violation of the laws applicable to his office or position" in the case of teachers to include possession of child pornography under G.L. c. 272, § 29C, as well as other sex offenses involving children. The legislation borrows the definitions of "sex offense involving a child," "sex offense", and "sexually violent offense" from the Sex Offender Registry statute, G.L. c. 6, § 178C. The legislation narrows the latter two definitions to crimes involving persons under the age of 18.

AN ACT RELATED TO THE FORFEITURE OF PENSION UPON
CONVICTION OF CHILD PORNOGRAPHY AND OTHER OFFENSES.

SECTION 1: Subsection (4) of Section 15 of Chapter 32 of the Massachusetts General Laws is hereby amended by adding after the first sentence the following: -

“For purposes of this subsection, ‘criminal offense involving violation of the laws applicable to his office or position,’ shall in the case of a teacher include, but not be limited to, a conviction for knowing purchase or possession of visual material of a child depicted in sexual conduct under section 29C of chapter 272 of the general laws, or a conviction of a sex offense involving a child, as defined in section 178C of chapter 6 of the general laws, or a conviction of any other sex offense or sexually violent offense, as those terms are defined in said section 178C, in which the victim was any person under the age of 18.”

SECTION 2: The provisions of section 1 shall apply only to criminal offenses committed on or after the effective date of this Act.