

SJC-13919

Boston Retirement System v. Marilyn Golisano et al

Whether the forfeiture of the appellee's public pension, pursuant to G. L. c. 32, § 15, constituted an excessive fine in violation of the Eighth Amendment to the United States Constitution or art. 26 of the Massachusetts Declaration of Rights, including: (a) whether a court may take judicial notice of actuarial life tables published by the Social Security Administration, as the Superior Court did here, to calculate the present value of the pension; (b) whether, or to what extent, a court may consider the actual criminal sentence imposed on a pensioner, or the Federal guidelines sentencing range for a pensioner who was convicted of Federal offenses, in assessing the gravity of the offense; and (c) whether, or to what extent, a court may consider whether the forfeiture will deprive the pensioner of his or her livelihood in assessing whether the forfeiture is unconstitutionally excessive, see Raferly v. State Bd. of Retirement, 496 Mass. 402, 416 n.14 (2025).