



The Commonwealth of Massachusetts  
Office of the Inspector General

GREGORY W. SULLIVAN  
INSPECTOR GENERAL

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Ben Clements, Chairman  
Governor's Task Force on Public Integrity  
State House, Room 280  
Boston, MA 02133

Dear Chairman Clements,

As requested when I appeared before the Governor's Task Force on Public Integrity, I have enclosed legislative language to accomplish the changes I discussed. Specifically the language enclosed pertains to:

- Adopting a general fraud statute that parallels the Federal mail fraud statute (18 U.S.C. § 1341) and include deprivation of honest and faithful services (18 USC § 1346)
- Broadening the state's false statement statute (M.G.L. c. 266 § 67A) beyond procurement and include the submittal of documents and false statements to investigators to parallel the Federal false statement statute (18 U.S.C. § 1001)
- Allowing the State Ethics Commission to share information with the Inspector General's Office (M.G.L. c. 268B §2(m))
- Broadening the Inspector General's statute to include a penalty for destroying, altering or withholding documents requested to Chapter 12A

I believe that you may have language regarding the other ideas I mentioned from the State Ethics Commission and the Secretary of State. If you have any questions, please feel free to contact me.

Sincerely,

*Gregory W. Sullivan*

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Inspector General

## General Fraud Statute

SECTION 1. Chapter XXX of the General Laws, as appearing in the 2006 Official Edition is hereby amended by inserting at the end thereof the following section:

Section XX. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious currency, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, shall be punished by a fine of not more than \$10,000 or by imprisonment in the state prison for not more than 5 years, or in the house of correction for not more than 2 1/2 years, or both. For the purposes of this section, the term “scheme or artifice to defraud” shall include a scheme or artifice to deprive another of the intangible right of honest services of public officials.

## False Statements

SECTION 1. Chapter 266 of the General Laws is hereby amended by striking out section 67A in its entirety and inserting in place thereof the following section:

Section 67A. Whoever, in any matter within the jurisdiction of any department, agency or public instrumentality of the commonwealth, or of any political subdivision thereof, knowingly and willingly:

- (1) makes any materially false, fictitious or fraudulent statement or representation;
- (2) omits or conceals a material fact in a written statement;
- (3) submits or invites reliance on a material writing or recording that is false, forged, altered, or otherwise lacking in authenticity;
- (4) submits or invites reliance on a sample, specimen, map, photograph, boundary-mark, or other object that is misleading in a material respect; or
- (5) uses any trick, scheme, or device that is misleading in a material respect;

to mislead a prosecutor, police officer, federal agent, investigator, court officer, probation officer or parole officer shall be punished by a fine of not more than \$10,000 or by imprisonment in the state prison for not more than 5 years, or in the house of correction for not more than 2½ years, or both.

As used in this section, “investigator” shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of or prosecution for a violation of the laws of the United States or of the commonwealth in the course of his official duties.

## State Ethics Commission Information Sharing

SECTION 1. Paragraph (m) of section 2 of chapter 268B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 61, by inserting after the words "attorney general," the following:- inspector general,

## Destroying, Altering or Withholding Documents

SECTION 1. Section 9 of chapter 12A, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following paragraph:

Whoever destroys, alters or withholds any records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material requested and required to be produced in accordance with this section shall be punished by a fine of not more than \$10,000 or by imprisonment in the state prison for not more than 5 years, or in the house of correction for not more than 2½ years, or both.