

By Mr. Locke of Wellesley, petition of Harris A. Reynolds and David H. Locke for legislation to prevent the holding of public office by persons who have defrauded the Commonwealth or political subdivisions thereof. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT TO PREVENT THE HOLDING OF PUBLIC OFFICE BY THOSE WHO HAVE DEFRAUDED THE COMMONWEALTH OR ITS SUB-DIVISIONS AND FOR OTHER PURPOSES.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to prevent the holding of public
3 office by those who have defrauded the commonwealth or its
4 subdivisions, therefore it is hereby declared to be an emergency
5 law, necessary for the immediate preservation of the public
6 convenience.

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 1. Section 8 of chapter 268 of the General Laws, as
2 amended, is hereby further amended by striking out the same
3 and inserting in place thereof the following: —

4 *Section 8.* A legislative, executive, judicial, county or mu-
5 nicipal officer who corruptly requests or accepts a gift or gra-
6 tuity or a promise to make a gift or to do any act beneficial to
7 him, under an agreement or with an understanding that his vote,
8 opinion or judgment shall be given in any particular manner, or
9 upon a particular side of any question, cause or proceeding,
10 which is or may be by law brought before him in his official
11 capacity or as a consideration for any speech, work or service in
12 connection therewith, or that, in such capacity, he shall make
13 any particular nomination or appointment; who has defrauded
14 or who shall defraud the commonwealth or any of its depart-
15 ments, subdivisions or any public authority of any money or
16 property shall forfeit his office, be forever disqualified to hold

17 any public office, trust or appointment under the constitution or
18 laws of the commonwealth, and be punished by imprisonment
19 in the state prison for not more than ten years or by a fine of
20 not more than five thousand dollars and imprisonment in jail
21 for not more than two years; and an executive, county other
22 than judicial, or municipal officer who is finally convicted of
23 committing, in connection with the performance of the duties
24 of such office, the crime of larceny, embezzlement or obtaining
25 money under false pretences shall, in addition to the penalty
26 imposed by law for the punishment of such crime, forfeit his
27 office and be forever disqualified to hold any public office, trust
28 or appointment as aforesaid.

1 SECTION 2. Section 2 of chapter 779 of the acts of 1962,
2 which is effective May 1, 1963, is hereby amended effective on
3 said May 1, 1963, by adding thereto at the end thereof the
4 following:—

5 (e) Any state employee who has defrauded or who shall de-
6 fraud the commonwealth or any state agency of any money or
7 property shall forfeit his office and be forever disqualified to
8 hold any public office, trust or appointment under the constitu-
9 tion or laws of the commonwealth.