

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr.**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the disqualification of convicted felons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Viriato Manuel deMacedo	1st Plymouth
Elizabeth Poirier	14th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE DISQUALIFICATION OF CONVICTED FELONS.

*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 39 of chapter 3 of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by striking out the definition of "Executive agent" and inserting in  
3 place thereof the following definition:-  
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5 "Executive agent", a person who for compensation or reward does any act to influence the  
6 decision of any officer or employee of the executive branch or an authority, including but not  
7 limited to statewide constitutional officers and employees thereof, where such decision concerns  
8 legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant  
9 thereto, or any act to communicate directly with a covered executive official to influence a  
10 decision concerning policy or procurement. The term "executive agent" shall include a person  
11 who, as part of his regular and usual business or professional activities and not simply incidental  
12 thereto, attempts to influence any such decision, whether or not any compensation in addition to  
13 the salary for such activities is received for such services; provided, that a convicted felon shall  
14 not engage in any such activities and provided further that a convicted felon shall not be  
15 permitted to register as an "executive agent". For the purposes of this definition a person shall  
16 be presumed to engage in activity covered by this definition in a manner that is simply incidental  
17 to his regular and usual business or professional activities if he: (i) engages in any activity or  
18 activities covered by this definition for not more than 25 hours during any reporting period; and  
19 (ii) receives less than \$5,000 during any reporting period, for any activity or activities covered by  
20 this definition.  
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23 SECTION 2. Section 39 of chapter 3 of the General Laws, as appearing in the 2006 Official  
24 Edition, is hereby amended by striking out the definition of "Legislative agent" and inserting in  
25 place thereof the following definition:-  
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27 “Legislative agent”, a person who for compensation or reward does any act to promote, oppose  
28 or influence legislation, or to promote, oppose or influence the governor’s approval or veto  
29 thereof. The term “legislative agent” shall include a person who, as part of his regular and usual  
30 business or professional activities and not simply incidental thereto, attempts to promote, oppose  
31 or influence legislation, or the governor’s approval or veto thereof, whether or not any  
32 compensation in addition to the salary for such activities is received for such services; provided,  
33 that a convicted felon shall not engage in any such activities and provided further that a  
34 convicted felon shall not be permitted to register as a “legislative agent”. For purposes of this  
35 definition a person shall be presumed to engage in activity covered by this definition in a manner  
36 that is simply incidental to his regular and usual business or professional activities if he: (i)  
37 engages in any activity or activities covered by this definition for not more than 25 hours during  
38 any reporting period; and (ii) receives less than \$5,000 during any reporting period, for any  
39 activity or activities covered by this definition.

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41 SECTION 3. Chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby  
42 amended by striking out section 45 in its entirety and inserting in place thereof the following  
43 section:-

44 Section 45. No person who has been convicted of a felony shall act as an executive or legislative  
45 agent. The state secretary shall automatically disqualify a person who has been convicted of a  
46 felony from acting and registering as an executive or legislative agent. The state secretary may,  
47 upon cause shown therefor, disqualify a person from acting as an executive or legislative agent.  
48 A person against whom proceedings for disqualification are brought shall be allowed a public  
49 hearing before the secretary or his designee. Such hearings shall be subject to the provisions of  
50 chapter thirty A. No person who has been so disqualified shall be employed as an executive or  
51 legislative agent until the termination of the third regular session of the general court after such  
52 disqualification.

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