

SB 274

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THE STATE SENATE  
Thursday, February 10, 2005

Senate Bill No. 274

As Amended

SENATE BILL NO. 274 - By: GUMM of the Senate and WORTHEN of the House.

[ state officers - penalties - incarcerated - compensation - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2001, Section 24.1, is amended to read as follows:

Section 24.1 A. Any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, is, or has been, found guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall be automatically suspended from said office or employment. The Governor shall appoint an interim successor to serve during the period of suspension of any county commissioner or any state officer other than a member of the State Legislature. A vacancy created by the suspension of a member of the State Legislature shall be filled as provided in Section 20 of Article V of the Oklahoma Constitution. A vacancy created by the suspension of a county officer other than a county commissioner shall be filled as provided by Section 10 of this title. In the event any elected or appointed state or county

1 officer or employee who, during the term for which he or she was  
2 elected or appointed, pleads guilty or nolo contendere to a felony  
3 or any offense involving a violation of his or her official oath in  
4 a state or federal court of competent jurisdiction, he or she shall,  
5 immediately upon the entry of said plea, forfeit said office or  
6 employment. Any such officer or employee upon final conviction of,  
7 or pleading guilty or nolo contendere to, a felony in a state or  
8 federal court of competent jurisdiction shall vacate such office or  
9 employment and if such felony or other offense violates his or her  
10 oath of office shall forfeit all benefits of said office or  
11 employment, including, but not limited to, retirement benefits  
12 provided by law, however, the forfeiture of retirement benefits  
13 shall not occur if any such officer or employee received a deferred  
14 sentence, but retirement benefits shall not commence prior to  
15 completion of the deferred sentence; provided, however, that such  
16 forfeiture of retirement benefits shall not include such officer's  
17 or employee's contributions to the retirement system or retirement  
18 benefits that are vested on ~~the effective date of this act~~ September  
19 8, 1981. Any claims for payment of salary or wages, or any claims  
20 for payment of any other benefits, to any such officer or employee  
21 suspended from or forfeiting his or her office or employment shall  
22 be rejected by the proper authority. Such suspension or forfeiture  
23 shall continue until such time as said conviction or guilty plea is

1 reversed by the highest appellate court to which said officer or  
2 employee may appeal. The attorney responsible for prosecuting such  
3 elected or appointed state or county officers or employees shall  
4 notify the retirement system in which such officer or employee is  
5 enrolled of the forfeiture of such officer's or employee's  
6 retirement benefits.

7 B. Within three (3) days of the conviction or plea of guilty or  
8 nolo contendere of a county commissioner, the district attorney of  
9 the county where such county commissioner served shall notify the  
10 Governor, in writing, of the suspension, the date of conviction or  
11 plea of guilty or nolo contendere resulting in suspension, and the  
12 felony committed.

13 C. Within three (3) days of the conviction or plea of guilty or  
14 nolo contendere of an elected or appointed state officer, the  
15 attorney responsible for prosecuting such state officer, shall  
16 notify the Governor in writing of the suspension, the date of  
17 conviction or plea of guilty or nolo contendere resulting in  
18 suspension, and the felony committed.

19 D. In addition to any other penalty provided by this section or  
20 any other law, any **elected or appointed state or county officer or**  
21 **employee** who is incarcerated for any period of time during his or  
22 her term of office shall not receive any compensation from the state  
23 or be eligible to participate in any compensation programs funded in

1 whole or in part with state revenues during the period of such  
2 incarceration. In the event **such person** is incarcerated due to  
3 being charged with a criminal offense and is subsequently acquitted  
4 **or the charge dismissed**, any compensation withheld from such member  
5 of the Legislature or statewide elected officer pursuant to the  
6 provisions of this section shall be paid to such member or officer.

7 SECTION 2. This act shall become effective November 1, 2005.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-8-05 - DO PASS,  
9 As Amended and Coauthored.