

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 274

By: Gumm

AS INTRODUCED

An Act relating to state officers; amending 51 O.S. 2001, Section 24.1, which relates to penalties imposed upon officers or employees upon conviction of certain offenses; clarifying effective date of certain provisions; prohibiting member of the Legislature or statewide elected officer who is incarcerated for any period of time during term of office from receiving certain compensation or participating in certain programs; providing procedure if member or officer acquitted of certain offense; and providing an 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 officer or employee who, during the term for which he or she was elected or appointed, pleads guilty or nolo contendere to a felony

or any offense involving a violation of his or her official oath in a state or federal court of competent jurisdiction, he or she shall, immediately upon the entry of said plea, forfeit said office or employment. Any such officer or employee upon final conviction of, or pleading guilty or nolo contendere to, a felony in a state or federal court of competent jurisdiction shall vacate such office or employment and if such felony or other offense violates his or her oath of office shall forfeit all benefits of said office or employment, including, but not limited to, retirement benefits provided by law, however, the forfeiture of retirement benefits shall not occur if any such officer or employee received a deferred sentence, but retirement benefits shall not commence prior to completion of the deferred sentence; provided, however, that such forfeiture of retirement benefits shall not include such officer's or employee's contributions to the retirement system or retirement benefits that are vested on ~~the effective date of this act~~ September 8, 1981. Any claims for payment of salary or wages, or any claims for payment of any other benefits, to any such officer or employee suspended from or forfeiting his or her office or employment shall be rejected by the proper authority. Such suspension or forfeiture shall continue until such time as said conviction or guilty plea is reversed by the highest appellate court to which said officer or employee may appeal. The attorney responsible for prosecuting such elected or appointed state or county officers or employees shall notify the retirement system in which such officer or employee is enrolled of the forfeiture of such officer's or employee's retirement benefits.

B. Within three (3) days of the conviction or plea of guilty or nolo contendere of a county commissioner, the district attorney of the county where such county commissioner served shall notify the Governor, in writing, of the suspension, the date of conviction or

plea of guilty or nolo contendere resulting in suspension, and the felony committed.

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

D. In addition to any other penalty provided by this section or any other law, any member of the State Legislature or statewide elected officer who is incarcerated for any period of time during his or her term of office shall not receive any compensation from the state or be eligible to participate in any compensation programs funded in whole or in part with state revenues during the period of such incarceration. In the event a member of the Legislature or statewide elected officer is incarcerated due to being charged with a criminal offense and is subsequently acquitted, any compensation withheld from such member of the Legislature or statewide elected officer pursuant to the provisions of this section shall be paid to such member or officer.

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

50-1-114

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