

SUBCOMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2175
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jason Nelson

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2175

By: Nelson

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to officers; amending 51 O.S. 2001, Section 24.1, which relates to forfeiture of office or employment and forfeiture of benefits; providing for forfeiture of benefits based on conviction after conclusion of term of office; prescribing procedures; providing for hearing; providing for investigation by Oklahoma Public Employees Retirement System; 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.

1 B. The Governor shall appoint an interim successor to serve
2 during the period of suspension of any county commissioner or any
3 state officer other than a member of the State Legislature.

4 C. A vacancy created by the suspension of a member of the State
5 Legislature shall be filled as provided in Section 20 of Article V
6 of the Oklahoma Constitution.

7 D. A vacancy created by the suspension of a county officer
8 other than a county commissioner shall be filled as provided by
9 Section 10 of this title.

10 E. In the event any elected or appointed state or county
11 officer or employee who, during the term for which he or she was
12 elected or appointed, pleads guilty or nolo contendere to a felony
13 or any offense involving a violation of his or her official oath in
14 a state or federal court of competent jurisdiction, he or she shall,
15 immediately upon the entry of said plea, forfeit said office or
16 employment.

17 F. Any such officer or employee upon final conviction of, or
18 pleading guilty or nolo contendere to, a felony in a state or
19 federal court of competent jurisdiction shall vacate such office or
20 employment and if such felony or other offense violates his or her
21 oath of office shall forfeit all benefits of said office or
22 employment, including, but not limited to retirement benefits
23 provided by law, however, the forfeiture of retirement benefits
24 shall not occur if any such officer or employee received a deferred

1 sentence, but retirement benefits shall not commence prior to
2 completion of the deferred sentence; provided, however, that such
3 forfeiture of retirement benefits required by this subsection shall
4 not include such officer's or employee's contributions to the
5 retirement system or retirement benefits that are vested on the
6 effective date of this act.

7 G. If any elected or appointed state or county officer or
8 employee, after leaving the office or employment, is finally
9 convicted of, or pleads guilty or nolo contendere to, a felony
10 committed while in such office or employment, where the felony
11 violated his or her oath of office, in a state or federal court of
12 competent jurisdiction, the officer or employee shall forfeit all
13 retirement benefits provided by law. The forfeiture of retirement
14 benefits required by this subsection shall not include such
15 officer's or employee's contributions to the retirement system or
16 retirement benefits that are vested on the effective date of this
17 act.

18 H. Any claims for payment of salary or wages, or any claims for
19 payment of any other benefits, to any such officer or employee
20 suspended from or forfeiting his or her office or employment shall
21 be rejected by the proper authority.

22 I. Such suspension or forfeiture shall continue until such time
23 as said conviction or guilty plea is reversed by the highest
24 appellate court to which said officer or employee may appeal.

1 J. The attorney responsible for prosecuting such elected or
2 appointed state or county officers or employees shall notify the
3 retirement system in which such officer or employee is enrolled of
4 the forfeiture of such officer's or employee's retirement benefits.
5 Upon receipt of the notice of forfeiture, the retirement system
6 shall immediately suspend all benefits of the officer or employee,
7 and notify the officer or employee of their right to a hearing to
8 review whether the conviction or plea qualifies for forfeiture of
9 benefits under this subsection. If the conviction or plea occurs in
10 federal court, the retirement system may investigate and gather
11 court documents and contact prosecutors to determine whether the
12 conviction or plea qualifies under this subsection. Upon obtaining
13 sufficient documentation of the conviction or plea, the retirement
14 system shall immediately suspend all benefits of the officer or
15 employee, and notify the officer or employee of their right to a
16 hearing to review whether the conviction or plea qualifies for
17 forfeiture of benefits under this section.

18 ~~B.~~ K. Within three (3) days of the conviction or plea of guilty
19 or nolo contendere of a county commissioner, the district attorney
20 of the county where such county commissioner served shall notify the
21 Governor, in writing, of the suspension, the date of conviction or
22 plea of guilty or nolo contendere resulting in suspension, and the
23 felony committed.

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

7 SECTION 2. This act shall become effective November 1, 2009.

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