

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2175

By: Nelson

COMMITTEE SUBSTITUTE

(Officers - amending 51 O.S. 2001, Section 24.1 -
forfeiture of retirement benefits - notification -
hearing procedures -
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 or
municipal 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~~ the 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 or
11 municipal officer or employee who, during the term for which he or
12 she was elected or appointed, pleads guilty or nolo contendere to a
13 felony or any offense involving a violation of his or her official
14 oath in a state or federal court of competent jurisdiction, he or
15 she shall, immediately upon the entry of ~~said~~ the plea, forfeit ~~said~~
16 the office or 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~~ is for bribery, corruption, forgery, perjury or any
22 other crime related to the duties of his or her office or
23 employment, or related to campaign contributions or campaign
24 financing for that or any other office, shall forfeit all benefits

1 of ~~said~~ the office or employment, including, but not limited to,
2 retirement benefits provided by law, ~~however, the forfeiture of~~
3 ~~retirement benefits shall not occur if any such officer or employee~~
4 ~~received a deferred sentence, but retirement benefits shall not~~
5 ~~commence prior to completion of the deferred sentence; provided,~~
6 ~~however, that such.~~ The forfeiture of retirement benefits required
7 by this subsection shall not include such officer's or employee's
8 contributions to the retirement system or retirement benefits that
9 are vested on the effective date of this act.

10 G. The forfeiture of retirement benefits as provided by
11 subsection F of this section shall apply to any such officer or
12 employee who, after leaving the office or employment, is convicted
13 of, or pleads guilty or nolo contendere to, in a state or federal
14 court of competent jurisdiction, a felony committed while in such
15 office or employment, where the felony is for bribery, corruption,
16 forgery, perjury or any other crime related to the duties of his or
17 her office or employment, or related to campaign contributions or
18 campaign financing for that or any other office.

19 H. Any claims for payment of salary or wages, or any claims for
20 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.

23 I. Such suspension or forfeiture shall continue until such time
24 as ~~said~~ the conviction or guilty plea is reversed by the highest

1 appellate court to which ~~said~~ the officer or employee may appeal.

2 ~~The~~

3 J. Within three (3) days of the conviction or plea of guilty or
4 nolo contendere, the attorney responsible for prosecuting such
5 elected or appointed state ~~or~~, county or municipal officers or
6 employees shall notify the retirement system in which such officer
7 or employee is enrolled of the forfeiture of such officer's or
8 employee's retirement benefits. Upon receipt of the notice of
9 forfeiture, the retirement system shall immediately suspend all
10 benefits of the officer or employee, and notify the officer or
11 employee of their right to a hearing to review whether the
12 conviction or plea qualifies for forfeiture of benefits under this
13 section. If the conviction or plea occurs in federal court or the
14 notice of forfeiture is not forthcoming from the state prosecutor,
15 the retirement system may investigate and gather court documents and
16 contact prosecutors to determine whether the conviction or plea
17 qualifies under this section. Upon obtaining sufficient
18 documentation of the conviction or plea, the retirement system shall
19 immediately suspend all benefits of the officer or employee, and
20 notify the officer or employee of their right to a hearing to review
21 whether the conviction or plea qualifies for forfeiture of benefits
22 under this section.

23 ~~B.~~ K. Within three (3) days of the conviction or plea of guilty
24 or nolo contendere of a county commissioner, the district attorney

1 of the county where such county commissioner served shall notify the
2 Governor, in writing, of the suspension, the date of conviction or
3 plea of guilty or nolo contendere resulting in suspension, and the
4 felony committed.

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

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

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