

1 ENGROSSED SENATE  
2 BILL NO. 899

By: Coffee of the Senate  
and  
Nelson of the House

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7 An Act relating to officers; amending 51 O.S. 2001,  
8 Section 24.1, which relates to suspension or  
9 forfeiture of office upon conviction of felony;  
10 requiring forfeiture of certain benefits upon  
11 conviction of certain crimes; specifying  
12 circumstances in which retirement benefits shall be  
13 subject to forfeiture; providing procedures for the  
14 retirement system to follow upon receipt of notice of  
15 forfeiture; providing an effective date; and  
16 declaring an emergency.

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

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

20 Section 24.1 A. Any elected or appointed state or county  
21 officer or employee who, during the term for which he or she was  
22 elected or appointed, is, or has been, found guilty by a trial court  
23 of a felony in a state or federal court of competent jurisdiction  
24 shall be automatically suspended from ~~said~~ the office or employment.

B. 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.

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

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

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

14        F. Any such officer or employee upon final conviction of, or  
15 pleading guilty or nolo contendere to, a felony in a state or  
16 federal court of competent jurisdiction shall vacate such office or  
17 employment and if such felony ~~or other offense violates his or her~~  
18 ~~oath of office~~ is for bribery, corruption, forgery or perjury or any  
19 other crime related to the duties of his or her office or  
20 employment, or related to campaign contributions or campaign  
21 financing for that or any other office, shall forfeit all benefits  
22 of ~~said~~ the office or employment, including, but not limited to,  
23 retirement benefits provided by law, however, the forfeiture of  
24 retirement benefits shall not occur if any such officer or employee

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

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

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

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

23 J. The attorney responsible for prosecuting such elected or  
24 appointed state or county officers or employees shall notify the

1 retirement system in which such officer or employee is enrolled of  
2 the forfeiture of such officer's or employee's retirement benefits.  
3 Upon receipt of the notice of forfeiture, the retirement system  
4 shall immediately suspend all benefits of the officer or employee,  
5 and notify the officer or employee of his or her right to a hearing  
6 to review whether the conviction or plea qualifies for forfeiture of  
7 benefits under this section. If the conviction or plea occurs in  
8 federal court or the notice of forfeiture is not forthcoming from  
9 the State prosecutor, the retirement system may investigate and  
10 gather court documents and contact prosecutors to determine whether  
11 the conviction or plea qualifies under this section. Upon obtaining  
12 sufficient documentation of the conviction or plea, the retirement  
13 system shall immediately suspend all benefits of the officer or  
14 employee, and notify the officer or employee of his or her right to  
15 a hearing to review whether the conviction or plea qualifies for  
16 forfeiture of benefits under this section.

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

23 ~~C.~~ L. Within three (3) days of the conviction or plea of guilty  
24 or nolo contendere of an elected or appointed state officer, the

1 attorney responsible for prosecuting such state officer, shall  
2 notify the Governor in writing of the suspension, the date of  
3 conviction or plea of guilty or nolo contendere resulting in  
4 suspension, and the felony committed.

5 SECTION 2. This act shall become effective July 1, 2009.

6 SECTION 3. It being immediately necessary for the preservation  
7 of the public peace, health and safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

10 Passed the Senate the 10th day of March, 2009.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2009.

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Presiding Officer of the House  
of Representatives

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