

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 2175

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2175 - By: NELSON, SULLIVAN
AND DORMAN of the House and COFFEE of the Senate.

(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:

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

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

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

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

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

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

8 F. Any such officer or employee upon final conviction of, or pleading guilty or nolo
9 contendere to, a felony in a state or federal court of competent jurisdiction shall vacate
10 such office or employment and if such felony ~~or other offense violates his or her oath of~~
11 ~~office~~ is for bribery, corruption, forgery, perjury or any other crime related to the duties
12 of his or her office or employment, or related to campaign contributions or campaign
13 financing for that or any other office, shall forfeit all benefits of ~~said~~ the office or
14 employment, including, but not limited to, retirement benefits provided by law, ~~however,~~
15 ~~the forfeiture of retirement benefits shall not occur if any such officer or employee~~
16 ~~received a deferred sentence, but retirement benefits shall not commence prior to~~
17 ~~completion of the deferred sentence; provided, however, that such.~~ The forfeiture of
18 retirement benefits required by this subsection shall not include such officer's or
19 employee's contributions to the retirement system or retirement benefits that are vested
20 on the effective date of this act.

21 G. The forfeiture of retirement benefits as provided by subsection F of this section
22 shall apply to any such officer or employee who, after leaving the office or employment, is

1 convicted of, or pleads guilty or nolo contendere to, in a state or federal court of
2 competent jurisdiction, a felony committed while in such office or employment, where the
3 felony is for bribery, corruption, forgery, perjury or any other crime related to the duties
4 of his or her office or employment, or related to campaign contributions or campaign
5 financing for that or any other office.

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

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

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

1 sufficient documentation of the conviction or plea, the retirement system shall
2 immediately suspend all benefits of the officer or employee, and notify the officer or
3 employee of their right to a hearing to review whether the conviction or plea qualifies for
4 forfeiture of benefits under this section.

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
15 dated 02-26-09 - DO PASS, As Amended and Coauthored.