

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

Committee Substitute for
House Bill No. 1385

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1385 - By: OSBORN of the House and SCHULZ of the Senate.

An Act relating to public 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 by elected or appointed municipal officers or employees; providing for forfeiture of retirement benefits based upon certain plea or conviction of felony; providing for applicability of forfeiture provisions after termination of office or employment; providing for applicability of forfeiture provisions after retirement; and providing an 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 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.

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

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

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

10 F. Any such officer or employee upon final conviction of, or pleading guilty or nolo
11 contendere to, a felony in a state or federal court of competent jurisdiction shall vacate
12 such office or employment and ~~if such felony or other offense violates his or her oath of~~
13 ~~office shall~~ forfeit all benefits of said office or employment, ~~including, but not limited to,~~
14 Regardless of whether the felony or other offense violates his or her oath of office and
15 regardless of whether the final conviction, guilty plea or plea of nolo contendere occurs
16 during the term of office or after the term of office of the officer or after the employment
17 of an employee, including any period of time after retirement, the officer or employee
18 shall forfeit all retirement benefits provided by law, however, the forfeiture of retirement
19 benefits shall not occur if any such officer or employee, regardless of whether the officer
20 or employee has retired or not, received a deferred sentence, but retirement benefits shall
21 not commence prior to completion of the deferred sentence; provided, however, that such
22 forfeiture of retirement benefits shall not include such officer's or employee's

1 contributions to the retirement system or retirement benefits that are vested on the
2 effective date of this act.

3 G. Any claims for payment of salary or wages, or any claims for payment of any
4 other benefits, to any such officer or employee suspended from or forfeiting his or her
5 office or employment shall be rejected by the proper authority.

6 H. Such suspension or forfeiture shall continue until such time as said conviction or
7 guilty plea is reversed by the highest appellate court to which said officer or employee, or
8 former officer or former employee, may appeal.

9 I. The attorney responsible for prosecuting such elected or appointed state ~~or~~
10 county or municipal officers or employees shall notify the retirement system in which
11 such officer or employee is enrolled of the forfeiture of such officer's or employee's, or
12 former officer's or former employee's, retirement benefits.

13 ~~B.~~ J. Within three (3) days of the conviction or plea of guilty or nolo contendere of a
14 county commissioner, the district attorney of the county where such county commissioner
15 served shall notify the Governor, in writing, of the suspension, the date of conviction or
16 plea of guilty or nolo contendere resulting in suspension, and the felony committed.

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
2 dated 02-24-09 - DO PASS, As Amended and Coauthored.