

ESB 899

THE HOUSE OF REPRESENTATIVES  
Wednesday, April 8, 2009

ENGROSSED

Senate Bill No. 899

ENGROSSED SENATE BILL NO. 899 - By: COFFEE of the Senate and NELSON of the House.

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

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 officer or employee who,  
4 during the term for which he or she was elected or appointed, is, or has been, found  
5 guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall  
6 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.

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 officer or employee who,  
6 during the term for which he or she was elected or appointed, pleads guilty or nolo  
7 contendere to a felony or any offense involving a violation of his or her official oath in a  
8 state or federal court of competent jurisdiction, he or she shall, immediately upon the  
9 entry of ~~said~~ the plea, forfeit ~~said~~ the 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~~ is for bribery, corruption, forgery or perjury or any other crime related to the duties  
14 of his or her office or employment, or related to campaign contributions or campaign  
15 financing for that or any other office, shall forfeit all benefits of ~~said~~ the office or  
16 employment, including, but not limited to, retirement benefits provided by law, however,  
17 the forfeiture of retirement benefits shall not occur if any such officer or employee  
18 received a deferred sentence, but retirement benefits shall not commence prior to  
19 completion of the deferred sentence; ~~provided, however, that such.~~ The forfeiture of  
20 retirement benefits required by this subsection shall not include such officer's or  
21 employee's contributions to the retirement system or retirement benefits that are vested  
22 on the effective date of this act.

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

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

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

14        J. The attorney responsible for prosecuting such elected or appointed state or  
15 county officers or employees shall notify the retirement system in which such officer or  
16 employee is enrolled of the forfeiture of such officer's or employee's retirement benefits.  
17 Upon receipt of the notice of forfeiture, the retirement system shall immediately suspend  
18 all benefits of the officer or employee, and notify the officer or employee of his or her right  
19 to a hearing to review whether the conviction or plea qualifies for forfeiture of benefits  
20 under this section. If the conviction or plea occurs in federal court or the notice of  
21 forfeiture is not forthcoming from the State prosecutor, the retirement system may  
22 investigate and gather court documents and contact prosecutors to determine whether

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
19 dated 04-07-09 - DO PASS.