

1 THE STATE SENATE  
2 Monday, February 23, 2009

3 Senate Bill No. 899

4 SENATE BILL NO. 899 - By: Coffee of the Senate and Nelson of the  
5 House.

6 An Act relating to officers; amending 51 O.S. 2001, Section  
7 24.1, which relates to suspension or forfeiture of office  
8 upon conviction of felony; requiring forfeiture of certain  
9 benefits upon conviction of specified crimes; specifying  
10 which retirement benefits shall be subject to forfeiture;  
11 providing an effective date; and declaring an emergency.

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

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

15 Section 24.1 A. Any elected or appointed state or county  
16 officer or employee who, during the term for which he or she was  
17 elected or appointed, is, or has been, found guilty by a trial court  
18 of a felony in a state or federal court of competent jurisdiction  
19 shall be automatically suspended from ~~said~~ the office or employment.  
20 The Governor shall appoint an interim successor to serve during the  
21 period of suspension of any county commissioner or any state officer  
22 other than a member of the State Legislature. A vacancy created by  
23 the suspension of a member of the State Legislature shall be filled  
24 as provided in Section 20 of Article V of the Oklahoma Constitution.  
25 A vacancy created by the suspension of a county officer other than a  
26 county commissioner shall be filled as provided by Section 10 of

1 this title. In the event any elected or appointed state or county  
2 officer or employee who, during the term for which he or she was  
3 elected or appointed, pleads guilty or nolo contendere to a felony  
4 or any offense involving a violation of his or her official oath in  
5 a state or federal court of competent jurisdiction, he or she shall,  
6 immediately upon the entry of ~~said~~ the plea, forfeit ~~said~~ the office  
7 or employment. Any such officer or employee upon final conviction  
8 of, or pleading guilty or nolo contendere to, a felony in a state or  
9 federal court of competent jurisdiction shall vacate such office or  
10 employment and if such felony or other offense violates his or her  
11 oath of office or if such felony or other offense is for a crime  
12 relating to campaign contributions or campaign financing or if such  
13 felony or offense is for bribery, corruption, forgery or perjury  
14 related to the duties of his or her office or employment, shall  
15 forfeit all benefits of ~~said~~ the office or employment, including,  
16 but not limited to, retirement benefits provided by law, however,  
17 the forfeiture of retirement benefits shall not occur if any such  
18 officer or employee received a deferred sentence, but retirement  
19 benefits shall not commence prior to completion of the deferred  
20 sentence; provided, however, that such forfeiture of retirement  
21 benefits shall not include such officer's or employee's  
22 contributions to the retirement system or retirement benefits that  
23 are vested on ~~the effective date of this act~~ September 8, 1981. For

1 a felony or other offense related to campaign contributions or  
2 campaign financing or for a felony or other offense for bribery,  
3 corruption, forgery or perjury related to the duties of the elected  
4 or appointed officer or employee, forfeiture of retirement benefits  
5 pursuant to this section shall not be made for retirement benefits  
6 that are vested on the effective date of this act. Any claims for  
7 payment of salary or wages, or any claims for payment of any other  
8 benefits, to any such officer or employee suspended from or  
9 forfeiting his or her office or employment shall be rejected by the  
10 proper authority. Such suspension or forfeiture shall continue  
11 until such time as ~~said~~ the conviction or guilty plea is reversed by  
12 the highest appellate court to which ~~said~~ the officer or employee  
13 may appeal. The attorney responsible for prosecuting such elected  
14 or appointed state or county officers or employees shall notify the  
15 retirement system in which such officer or employee is enrolled of  
16 the forfeiture of such officer's or employee's retirement benefits.

17 B. Within three (3) days of the conviction or plea of guilty or  
18 nolo contendere of a county commissioner, the district attorney of  
19 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.

1 C. Within three (3) days of the conviction or plea of guilty or  
2 nolo contendere of an elected or appointed state officer, the  
3 attorney responsible for prosecuting such state officer, shall  
4 notify the Governor in writing of the suspension, the date of  
5 conviction or plea of guilty or nolo contendere resulting in  
6 suspension, and the felony committed.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated  
13 2-19-09 - DO PASS, As Coauthored.