

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

HOUSE BILL 1385

By: Osborn

AS INTRODUCED

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 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:

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

Section 24.1 A. Any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, is, or has been, found guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall be automatically suspended from said 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 plea, forfeit said office or  
13 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 shall~~ forfeit all benefits of said office or  
19 employment, ~~including, but not limited to,~~ Regardless of whether  
20 the felony or other offense violates his or her oath of office and  
21 regardless of whether the final conviction, guilty plea or plea of  
22 nolo contendere occurs during the term of office or after the term  
23 of office of the officer or after the employment of an employee,  
24 including any period of time after retirement, the officer or

1 employee shall forfeit all retirement benefits provided by law,  
2 however, the forfeiture of retirement benefits shall not occur if  
3 any such officer or employee, regardless of whether the officer or  
4 employee has retired or not, received a deferred sentence, but  
5 retirement benefits shall not commence prior to completion of the  
6 deferred sentence; provided, however, that such forfeiture of  
7 retirement benefits shall not include such officer's or employee's  
8 contributions to the retirement system or retirement benefits that  
9 are vested on the effective date of this act.

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

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

18 I. The attorney responsible for prosecuting such elected or  
19 appointed state or county officers or employees shall notify the  
20 retirement system in which such officer or employee is enrolled of  
21 the forfeiture of such officer's or employee's, or former officer's  
22 or former employee's, retirement benefits.

23 ~~B.~~ J. Within three (3) days of the conviction or plea of  
24 guilty or nolo contendere of a county commissioner, the district  
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1 attorney of the county where such county commissioner served 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 ~~C.~~ K. Within three (3) days of the conviction or plea of  
6 guilty or nolo contendere of an elected or appointed state officer,  
7 the attorney responsible for prosecuting such state officer, shall  
8 notify the Governor in writing of the suspension, the date of  
9 conviction or plea of guilty or nolo contendere resulting in  
10 suspension, and the felony committed.

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

13 52-1-5374 MAH 01/07/09

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January 9, 2009

Representative Leslie Osborn  
Room 300

Re: RBH No. 5374

RBH No. forfeits all retirement benefits of an elected or appointed state or county officer who is found guilty of a felony in a state or federal court.

RBS No. 5374 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

*Thomas E. Cummins*

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