

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

HOUSE BILL 2175

By: Nelson

AS INTRODUCED

An Act relating to 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; modifying provisions related to relationship between conviction and oath of office; modifying exception to forfeiture requirement based on deferred sentence; providing for forfeiture of benefits based on conviction after conclusion of term of office; 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 ~~Any such~~ F. If any elected or appointed state or county officer
15 or employee upon final conviction is finally convicted of, or
16 ~~pleading~~ pleads guilty or nolo contendere to, a felony in a state or
17 federal court of competent jurisdiction, the officer or employee
18 shall vacate such office or employment and if such felony or other
19 ~~offense violates his or her oath of office shall forfeit all~~
20 ~~benefits of said office or employment, including, but not limited~~
21 ~~to,~~ Regardless of whether the felony or other offense violates his
22 or her oath of office, the officer or employee shall forfeit all
23 ~~retirement benefits provided by law, however, the forfeiture of~~
24 ~~retirement benefits shall not occur if any such officer or employee~~

1 ~~received a deferred sentence, but retirement benefits shall not~~
2 ~~commence prior to completion of the deferred sentence; provided,~~
3 ~~however, that such.~~ The forfeiture of retirement benefits required
4 by this subsection shall not include such officer's or employee's
5 contributions to the retirement system or retirement benefits that
6 are vested on the effective date of this act.

7 G. If any elected or appointed state or county officer or
8 employee, after leaving the office or employment, is finally
9 convicted of, or pleads guilty or nolo contendere to, a felony
10 committed while in such office or employment, where the felony
11 violated his or her oath of office, in a state or federal court of
12 competent jurisdiction, the officer or employee shall forfeit all
13 retirement benefits provided by law. The forfeiture of retirement
14 benefits required by this subsection shall not include such
15 officer's or employee's contributions to the retirement system or
16 retirement benefits that are vested on the effective date of this
17 act.

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

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

1 J. The attorney responsible for prosecuting such elected or
2 appointed state or county officers or employees shall notify the
3 retirement system in which such officer or employee is enrolled of
4 the forfeiture of such officer's or employee's retirement benefits.

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

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

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

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January 14, 2009

Representative Jason Nelson
Room 433-B

Re: RBH No. 6556

RBH No. 6556 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.

RBH No. 6556 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

Thomas E. Cummins

Thomas E. Cummins, MAAA