

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 899

By: Coffee

4
5
6 AS INTRODUCED

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

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

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

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

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

1 contributions to the retirement system or retirement benefits that
2 are vested on ~~the effective date of this act~~ September 8, 1981. For
3 a felony or other offense related to campaign contributions or
4 campaign financing or for a felony or other offense for bribery,
5 corruption, forgery or perjury related to the duties of the elected
6 or appointed officer or employee, forfeiture of retirement benefits
7 pursuant to this section shall not be made for retirement benefits
8 that are vested on the effective date of this act. Any claims for
9 payment of salary or wages, or any claims for payment of any other
10 benefits, to any such officer or employee suspended from or
11 forfeiting his or her office or employment shall be rejected by the
12 proper authority. Such suspension or forfeiture shall continue
13 until such time as ~~said~~ the conviction or guilty plea is reversed by
14 the highest appellate court to which ~~said~~ the officer or employee
15 may appeal. The attorney responsible for prosecuting such elected
16 or appointed state or county officers or employees shall notify the
17 retirement system in which such officer or employee is enrolled of
18 the forfeiture of such officer's or employee's retirement benefits.

19 B. Within three (3) days of the conviction or plea of guilty or
20 nolo contendere of a county commissioner, the district attorney of
21 the county where such county commissioner served shall notify the
22 Governor, in writing, of the suspension, the date of conviction or
23 plea of guilty or nolo contendere resulting in suspension, and the
24 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

13 52-1-864 ARE 3/6/2009 7:30:01 AM

14

15

16

17

18

19

20

21

22

23

24