

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1001

By: Stanislawski of the Senate

and

Quinn of the House

COMMITTEE SUBSTITUTE

[ forfeiture of retirement benefits - Teachers'

Retirement System - crimes - procedures for the

System - codification -

emergency ]

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 17-125 of Title 70, unless there  
is created a duplication in numbering, reads as follows:

A. Any member of the Teachers' Retirement System of Oklahoma  
upon final conviction of, or pleading guilty or nolo contendere to,  
a felony in a state or federal court of competent jurisdiction for  
bribery, corruption, forgery or perjury or any other crime related  
to the duties of his or her office or employment, shall forfeit

1 retirement benefits provided by law. The forfeiture of retirement  
2 benefits shall not occur if any such member received a deferred  
3 sentence, but retirement benefits shall not commence prior to  
4 completion of the deferred sentence. The forfeiture of retirement  
5 benefits required by this section shall not include the member's  
6 contributions to the retirement system or retirement benefits that  
7 are vested on the effective date of this act.

8 B. The forfeiture of retirement benefits as provided by  
9 subsection A of this section shall also apply to any such member  
10 who, after leaving the office or employment, is convicted of, or  
11 pleads guilty or nolo contendere to, in a state or federal court of  
12 competent jurisdiction, the crimes specified in subsection A of this  
13 section.

14 C. The forfeiture shall continue until such time as the  
15 conviction or guilty plea is reversed by the highest appellate court  
16 to which the member may appeal.

17 D. The attorney responsible for prosecuting the member shall  
18 notify the Teachers' Retirement System of Oklahoma of the forfeiture  
19 of the officer's or employee's retirement benefits. Upon receipt of  
20 the notice of forfeiture, the System shall immediately suspend all  
21 benefits of the member, and shall notify the member of his or her  
22 right to a hearing to review whether the conviction or plea  
23 qualifies for forfeiture of benefits under this section. If the  
24 conviction or plea occurs in federal court or the notice of

1 forfeiture is not forthcoming from the state prosecutor, the System  
2 may investigate and gather court documents and contact prosecutors  
3 to determine whether the conviction or plea qualifies under this  
4 section. Upon obtaining sufficient documentation of the conviction  
5 or plea, the System shall immediately suspend all benefits of the  
6 member, and notify the member of his or her right to a hearing to  
7 review whether the conviction or plea qualifies for forfeiture of  
8 benefits under this section.

9 SECTION 2. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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