

1 ENGROSSED SENATE
BILL NO. 347

By: Mazzei of the Senate

and

McDaniel (Randy) of the
House

7 [forfeiture of retirement benefits - requiring
8 forfeiture upon conviction of certain crimes -
9 specifying circumstances - requiring notice -
providing procedures - codification -
emergency]

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-110 of Title 11, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Any municipal officer or employee upon final conviction of,
17 or pleading guilty or nolo contendere to, a felony for bribery,
18 corruption, forgery or perjury or any other crime related to the
19 duties of his or her office or employment in a state or federal
20 court of competent jurisdiction shall forfeit retirement benefits
21 provided by law. The forfeiture of retirement benefits shall not
22 occur if any such officer or employee received a deferred sentence,
23 but retirement benefits shall not commence prior to completion of
24 the deferred sentence. The forfeiture of retirement benefits

1 required by this section shall not include the officer's or
2 employee's contributions to the retirement system or retirement
3 benefits that are vested on the effective date of this act.

4 B. The forfeiture of retirement benefits as provided by
5 subsection B of this section shall also apply to any such officer or
6 employee who, after leaving the office or employment, is convicted
7 of, or pleads guilty or nolo contendere to, in a state or federal
8 court of competent jurisdiction, a felony committed while in such
9 office or employment, where the felony is for bribery, corruption,
10 forgery or perjury or any other crime related to the duties of his
11 or her office or employment.

12 C. The forfeiture shall continue until such time as the
13 conviction or guilty plea is reversed by the highest appellate court
14 to which the officer or employee may appeal.

15 D. The attorney responsible for prosecuting the municipal
16 officer or employee shall notify the retirement system in which the
17 officer or employee is enrolled of the forfeiture of the officer's
18 or employee's retirement benefits. Upon receipt of the notice of
19 forfeiture, the retirement system shall immediately suspend all
20 benefits of the officer or employee, and shall notify the officer or
21 employee of his or her right to a hearing to review whether the
22 conviction or plea qualifies for forfeiture of benefits under this
23 section. If the conviction or plea occurs in federal court or the
24 notice of forfeiture is not forthcoming from the state prosecutor,

1 the retirement system may investigate and gather court documents and
2 contact prosecutors to determine whether the conviction or plea
3 qualifies under this section. Upon obtaining sufficient
4 documentation of the conviction or plea, the retirement system shall
5 immediately suspend all benefits of the officer or employee, and
6 notify the officer or employee 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 E. The provisions of this section shall apply to a municipal
10 officer or employee who is a member of a retirement system
11 authorized in Sections 48-101 through 48-106 of Title 11 of the
12 Oklahoma Statutes, the Oklahoma Firefighters Pension and Retirement
13 System, the Oklahoma Police Pension and Retirement System or the
14 Oklahoma Public Employees Retirement System.

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

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1 Passed the Senate the 8th day of March, 2011.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

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9 Presiding Officer of the House
10 of Representatives