

HOUSE OF REPRESENTATIVES - FLOOR VERSION

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

1 bribery, corruption, forgery or perjury or any other crime related
2 to the duties of his or her office or employment, shall forfeit
3 retirement benefits provided by law. The forfeiture of retirement
4 benefits shall not occur if any such member received a deferred
5 sentence, but retirement benefits shall not commence prior to
6 completion of the deferred sentence. The forfeiture of retirement
7 benefits required by this section shall not include the member's
8 contributions to the retirement system or retirement benefits that
9 are vested on the effective date of this act.

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

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

19 D. The attorney responsible for prosecuting the member shall
20 notify the Teachers' Retirement System of Oklahoma of the forfeiture
21 of the officer's or employee's retirement benefits. Upon receipt of
22 the notice of forfeiture, the System shall immediately suspend all
23 benefits of the member, and shall notify the member of his or her
24

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
17 FINANCIAL SERVICES, dated 04/09/2012 - DO PASS, As Amended.