

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 2623

By: McDaniel (Randy)

AS INTRODUCED

An Act relating to officers; amending 51 O.S. 2011, Section 24.1, which relates to forfeiture of office or employment; defining certain persons to be state employees for purposes of retirement benefit forfeiture provisions; and declaring an emergency.

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

SECTION 1. AMENDATORY 51 O.S. 2011, 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 the 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 the plea, forfeit the office or  
13 employment.

14 F. Any such officer or employee upon final conviction of, or  
15 pleading guilty or nolo contendere to, a felony in a state or  
16 federal court of competent jurisdiction shall vacate such office or  
17 employment and if such felony is for bribery, corruption, forgery or  
18 perjury or any other crime related to the duties of his or her  
19 office or employment, or related to campaign contributions or  
20 campaign financing for that or any other office, shall forfeit all  
21 benefits of the office or employment, including, but not limited to,  
22 retirement benefits provided by law, however, the forfeiture of  
23 retirement benefits shall not occur if any such officer or employee  
24 received a deferred sentence, but retirement benefits shall not

1 commence prior to completion of the deferred sentence. The  
2 forfeiture of retirement benefits required by this subsection shall  
3 not include such officer's or employee's contributions to the  
4 retirement system or retirement benefits that are vested on the  
5 effective date of this act. For purposes of this section and for  
6 purposes of this subsection, "state employee" shall include any  
7 person who is an administrator, teacher or support employee of any  
8 common school district of the state.

9 G. The forfeiture of retirement benefits as provided by  
10 subsection F of this section shall also apply to any such officer or  
11 employee who, after leaving the office or employment, is convicted  
12 of, or pleads guilty or nolo contendere to, in a state or federal  
13 court of competent jurisdiction, a felony committed while in such  
14 office or employment, where the felony is for bribery, corruption,  
15 forgery or perjury or any other crime related to the duties of his  
16 or her office or employment, or related to campaign contributions or  
17 campaign financing for that or any other office.

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 the conviction or guilty plea is reversed by the highest  
24 appellate court to which the 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 Upon receipt of the notice of forfeiture, the retirement system  
6 shall immediately suspend all benefits of the officer or employee,  
7 and notify the officer or employee of his or her right to a hearing  
8 to review whether the conviction or plea qualifies for forfeiture of  
9 benefits under this section. If the conviction or plea occurs in  
10 federal court or the notice of forfeiture is not forthcoming from  
11 the State prosecutor, the retirement system may investigate and  
12 gather court documents and contact prosecutors to determine whether  
13 the conviction or plea qualifies under this section. Upon obtaining  
14 sufficient documentation of the conviction or plea, the retirement  
15 system shall immediately suspend all benefits of the officer or  
16 employee, and notify the officer or employee of his or her right to  
17 a hearing to review whether the conviction or plea qualifies for  
18 forfeiture of benefits under this section.

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

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12 53-2-8398 MAH 01/18/12

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January 18, 2012

Representative Randy McDaniel  
Room 302 B

Re: RBH No. 8398

RBH No. 8398 adds administrators, teachers or support employees to definition of state employees for purposes retirement benefit forfeiture upon conviction of a felony.

RBH No. 8398 is a nonfiscal retirement bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

*Thomas E. Cummins*

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