

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2909

By: Hamilton

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5  
6 AS INTRODUCED

7 An Act relating to officers; amending 51 O.S. 2011,  
8 Section 24.1, which relates to forfeiture of office;  
9 providing for forfeiture of office upon certain plea  
or conviction of certain crime; and providing an  
effective date.

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

13 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24.1, is  
14 amended to read as follows:

15 Section 24.1 A. Any elected or appointed state or county  
16 officer or employee who, during the term for which he or she was  
17 elected or appointed, is, or has been, found guilty by a trial court  
18 of a felony or of soliciting the services of a prostitute as  
19 prohibited in Section 1029 of Title 21 of the Oklahoma Statutes in a  
20 state or federal court of competent jurisdiction shall be  
21 automatically suspended from the office or employment.

22 B. The Governor shall appoint an interim successor to serve  
23 during the period of suspension of any county commissioner or any  
24 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 to soliciting the services of a prostitute as prohibited in Section  
11 1029 of Title 21 of the Oklahoma Statutes, or to any offense  
12 involving a violation of his or her official oath in a state or  
13 federal court of competent jurisdiction, he or she shall,  
14 immediately upon the entry of the plea, forfeit the office or  
15 employment.

16 F. Any such officer or employee upon final conviction of, or  
17 pleading guilty or nolo contendere to, a felony or soliciting the  
18 services of a prostitute as prohibited in Section 1029 of Title 21  
19 of the Oklahoma Statutes in a state or federal court of competent  
20 jurisdiction shall vacate such office or employment and if such  
21 felony is for bribery, corruption, forgery or perjury or any other  
22 crime related to the duties of his or her office or employment, or  
23 related to campaign contributions or campaign financing for that or  
24 any other office, shall forfeit all benefits of the office or

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

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

19 H. Any claims for payment of salary or wages, or any claims for  
20 payment of any other benefits, to any such officer or employee  
21 suspended from or forfeiting his or her office or employment shall  
22 be rejected by the proper authority.

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1 I. Such suspension or forfeiture shall continue until such time  
2 as the conviction or guilty plea is reversed by the highest  
3 appellate court to which the officer or employee may appeal.

4 J. The attorney responsible for prosecuting such elected or  
5 appointed state or county officers or employees shall notify the  
6 retirement system in which such officer or employee is enrolled of  
7 the forfeiture of such officer's or employee's retirement benefits.  
8 Upon receipt of the notice of forfeiture, the retirement system  
9 shall immediately suspend all benefits of the officer or employee,  
10 and notify the officer or employee of his or her right to a hearing  
11 to review whether the conviction or plea qualifies for forfeiture of  
12 benefits under this section. If the conviction or plea occurs in  
13 federal court or the notice of forfeiture is not forthcoming from  
14 the ~~State~~ state prosecutor, the retirement system may investigate  
15 and gather court documents and contact prosecutors to determine  
16 whether the conviction or plea qualifies under this section. Upon  
17 obtaining sufficient documentation of the conviction or plea, the  
18 retirement system shall immediately suspend all benefits of the  
19 officer or employee, and notify the officer or employee of his or  
20 her right to a hearing to review whether the conviction or plea  
21 qualifies for forfeiture of benefits under this section.

22 K. Within three (3) days of the conviction or plea of guilty or  
23 nolo contendere of a county commissioner, the district attorney of  
24 the county where such county commissioner served shall notify the

1 Governor, in writing, of the suspension, the date of conviction or  
2 plea of guilty or nolo contendere resulting in suspension, and the  
3 felony committed.

4 L. Within three (3) days of the conviction or plea of guilty or  
5 nolo contendere of an elected or appointed state officer, the  
6 attorney responsible for prosecuting such state officer, shall  
7 notify the Governor in writing of the suspension, the date of  
8 conviction or plea of guilty or nolo contendere resulting in  
9 suspension, and the felony committed.

10 SECTION 2. This act shall become effective November 1, 2012.

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12 53-2-8485 GRS 01/17/12

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