

ASSEMBLY BILL

No. 1433

Introduced by Assembly Member Fuentes

August 15, 2011

An act to add Section 1244 to the Government Code, relating to public officials' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as introduced, Fuentes. Public officials' pension benefits: felony conviction.

Existing law provides that any elected public officer who takes public office, or is reelected to public office, on or after January 1, 2006, who is convicted of any specified felony arising directly out of his or her official duties, forfeits all rights and benefits under, and membership in, any public retirement system in which he or she is a member, effective on the date of final conviction, as specified.

This bill would additionally require a public officer, as defined, who is convicted of any felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, tampering with a witness, money laundering, the preparation of false documents, any felony arising directly out of his or her official duties, or conspiracy to commit any of those crimes arising directly out of his or her official duties, to forfeit all rights and benefits under any public retirement system in which he or she is a member, effective on the date of conviction. The bill would require any contributions made by that public officer to the public retirement system to be returned to the public officer without interest. The bill would prohibit these provisions from being construed to abrogate the rights

of an innocent spouse or dependent who was not involved in the commission of any criminal activity to pension or other benefits.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1244 is added to the Government Code,
2 to read:

3 1244. (a) If a public officer is convicted of any felony
4 involving accepting or giving, or offering to give, any bribe, the
5 embezzlement of public money, extortion or theft of public money,
6 perjury, tampering with a witness, money laundering, the
7 preparation of false documents, any felony arising directly out of
8 his or her official duties, or conspiracy to commit any of those
9 crimes arising directly out of his or her official duties, he or she
10 shall forfeit all rights and benefits under any public retirement
11 system in which he or she is a member, effective on the date of
12 conviction.

13 (b) Any contributions to the public retirement system made by
14 the public officer described in subdivision (a) shall be returned,
15 without interest, to the public officer, in a manner conforming with
16 the requirements of the Internal Revenue Code.

17 (c) The public agency that employs a public officer described
18 in subdivision (a) shall notify the public retirement system in which
19 the person is a member of the person’s conviction.

20 (d) For purposes of this section, “public officer” means an
21 officer or elected official of the state, a county, city, city and
22 county, district, or authority, or any department, division, bureau,
23 board, commission, agency, or instrumentality of any of these
24 entities.

25 (e) This section shall not be construed to abrogate the rights of
26 an innocent spouse or dependent who was not involved in the
27 commission of any criminal activity to pension or other benefits.