

**ASSEMBLY BILL**

**No. 1653**

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**Introduced by Assembly Member Cook**

February 13, 2012

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An act to add Section 1244 to the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as introduced, Cook. Public employees: pensions: forfeiture.

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 require any person employed at-will for the purposes of providing services to an elected public officer who takes public office, or is reelected to public office, on or after January 1, 2013, who is convicted of any specified felony arising directly out of his or her official duties, to forfeit 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.

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:

1 1244. (a) If a public employee is convicted of any felony  
2 involving accepting or giving, or offering to give, any bribe, the  
3 embezzlement of public money, extortion or theft of public money,  
4 perjury, or conspiracy to commit any of those crimes arising  
5 directly out of his or her official duties as a public employee, he  
6 or she shall forfeit all rights and benefits under, and membership  
7 in, any public retirement system in which he or she is a member,  
8 effective on the date of final conviction.

9 (b) The public employee described in subdivision (a) shall forfeit  
10 only that portion of his or her rights and benefits that accrued on  
11 or after January 1, 2013.

12 (c) Any contributions made by the public employee described  
13 in subdivision (a) to the public retirement system that arose directly  
14 from or accrued solely as a result of his or her forfeited service as  
15 a public employee shall be returned, without interest, to the public  
16 employee.

17 (d) The public agency that employs a public employee described  
18 in subdivision (b) shall notify the public retirement system in which  
19 the person is a member of the person's conviction.

20 (e) For purposes of this section, "public employee" means any  
21 person employed at-will for the purposes of providing services to  
22 an elected public officer who takes public office, or is reelected  
23 to public office, on or after January 1, 2013.

24 SEC. 2. The Legislature finds and declares that the integrity  
25 and fiscal stability of local governmental agencies in this state,  
26 including charter cities and charter counties, directly affects the  
27 long-term well-being of all the residents of this state. The public  
28 perception of efficiency, transparency, and accountability in local  
29 governments in California affects the likelihood of businesses  
30 locating to or remaining in the state. Therefore, the Legislature  
31 finds and declares that to ensure the statewide integrity of state  
32 agencies and local agencies, the ability of the state to limit  
33 retirement benefits paid to a person who is employed for the  
34 purposes of providing services to an elected public officer and  
35 who is convicted of a crime related to his or her official duties is  
36 an issue of statewide concern and not a municipal affair, as that  
37 term is used in Section 5 of Article XI of the California

1 Constitution. Therefore, this act shall apply to all cities and  
2 counties, including charter cities and charter counties.

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