

Assembly Bill No. 1654

CHAPTER 54

An act to add Section 1021.5 to the Government Code, relating to public employment.

[Approved by Governor July 9, 2012. Filed with Secretary
of State July 9, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1654, Cook. Public employment: disqualification from employment.

The California Constitution provides that a person shall be disqualified from holding office if he or she has been convicted of bribery, and directs the Legislature to enact laws to exclude persons convicted of malfeasance in office or other high crimes from office. Under existing statutory law, a person is disqualified from holding any office upon the conviction of specified crimes designated in the Constitution or statute. Existing law enumerates events causing a vacancy in office, including the conviction of a felony or any offense involving a violation of official duties.

This bill would disqualify for 5 years a person who employed at will for the purposes of providing services to an elected public officer from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of this state, if he or she is convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her duties as a public employee. That 5-year disqualification period would begin at the later of either the person's final conviction or release from any incarceration.

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

SECTION 1. Section 1021.5 is added to the Government Code, to read:

1021.5. (a) If a public employee 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, or conspiracy to commit any of those crimes arising directly out of his or her official duties as a public employee, he or she shall be disqualified for five years from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state.

(b) The five-year disqualification period described in subdivision (a) shall begin on the later of either of the following:

(1) The date of final conviction.

(2) The date on which the public employee is released from any incarceration.

(c) For purposes of this section, “public employee” means 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.

SEC. 2. The Legislature finds and declares that the integrity and fiscal stability of local governmental agencies in this state, including charter cities and charter counties, directly affects the long-term well-being of all the residents of this state. The public perception of efficiency, transparency, and accountability in local governments in California affects the likelihood of businesses locating to or remaining in the state. Therefore, the Legislature finds and declares that to ensure the statewide integrity of state agencies and local agencies, the ability of the state to disqualify from future public service a person who is employed for the purposes of providing services to an elected public officer and who is convicted of a crime related to his or her official duties is an issue of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities and counties, including charter cities and charter counties.