

Introduced by Senator StricklandJanuary 19, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 115, as introduced, Strickland. 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 additionally require a public officer or employee who is convicted of any felony for conduct arising directly out of his or her official duties on or after January 1, 2012, 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. That public officer or employee would forfeit only that portion of his or her rights and benefits that accrued on or after January 1, 2012. The bill would require any contributions made by that public officer or public employee to the public retirement system that arose directly from or accrued solely as a result of his or her forfeited service would be returned to the public officer or public employee without interest.

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 or public employee is convicted
4 of any felony for conduct arising directly out of his or her official
5 duties on or after January 1, 2012, he or she shall forfeit all rights
6 and benefits under, and membership in, any public retirement
7 system in which he or she is a member, effective on the date of
8 final conviction.

9 (b) The public officer or employee described in subdivision (a)
10 shall forfeit only that portion of his or her rights and benefits that
11 accrued on or after January 1, 2012.

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

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

22 (e) For purposes of this section, the following definitions shall
23 apply:

24 (1) "Public officer" means an officer of the state, or an officer
25 of a county, city, city and county, district, or authority, or any
26 department, division, bureau, board, commission, agency, or
27 instrumentality of any of these entities.

28 (2) "Public employee" means any person employed by any
29 public agency.