

**ASSEMBLY BILL**

**No. 925**

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**Introduced by Assembly Members Bigelow and Beth Gaines**

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 925, as introduced, Bigelow. State officer or supervisory employee: personal liability for overpayment of compensation.

Existing law provides that an elected public officer, as defined, who is convicted of one or more specified felonies during the course of his or her term of office that arise directly from his or her official duties shall forfeit all rights and benefits under, and membership in, any public retirement system of which he or she is a member.

This bill would provide that a state officer or supervisory employee who intentionally circumvents statutes or regulations, resulting in the overpayment or unauthorized payment of compensation to himself, herself, or others, shall be personally liable for treble damages, based on the overpayment or unauthorized payment as determined by a court in a civil action brought by the state, 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) A state officer or supervisory employee who  
2 knowingly or intentionally circumvents statutory or regulatory  
3 policy, resulting in overpayment or unauthorized payment of  
4 compensation by a state agency to himself or herself, to another  
5 employee, or to a contractor, shall be personally liable for damages  
6 upon a finding by a court of competent jurisdiction that the officer  
7 or supervisory employee intentionally or knowingly committed  
8 the acts resulting in the unauthorized payments.

9 (b) The state shall have the right to bring legal action against  
10 the state officer or supervisory employee to recover damages under  
11 this section.

12 (c) A state officer or supervisory employee found liable under  
13 subdivision (a) shall be liable for treble damages based on the total  
14 amount of the overpayment or unauthorized payment.

15 (d) The damages recovered from the state officer or supervisory  
16 employee pursuant to this section shall be deposited into the  
17 General Fund.