AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL No. 1653

Introduced by Assembly Member Cook
(Coauthors: Assembly Members Fletcher, Jeffries, and Portantino)
(Coauthors: Senators Dutton and Huff)

February 13, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as amended, 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:

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

1244. (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 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.

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

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

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

(e) 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 limit retirement benefits paid to 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.

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