



General Assembly

**Substitute Bill No. 5020**

February Session, 2004

\*            HB05020GAE            022704            \*

**AN ACT CONCERNING CORRUPT OFFICIALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 3,  
2       inclusive, of this act:

3       (1) "Public official" has the same meaning as provided in section 1-  
4       79 of the general statutes; and

5       (2) "Crime related to state office" means any of the following  
6       criminal offenses committed by a person while serving as a public  
7       official:

8       (A) The committing, aiding or abetting of an embezzlement of  
9       public funds from the state or a quasi-public agency;

10      (B) The committing, aiding or abetting of any felonious theft from  
11      the state or a quasi-public agency;

12      (C) Bribery in connection with service as a public official; or

13      (D) The committing of any felony by such person who, wilfully and  
14      with the intent to defraud, realizes or obtains, or attempts to realize or  
15      obtain, a profit, gain or advantage for himself or herself or for some  
16      other person, through the use or attempted use of the power, rights,  
17      privileges or duties of his or her position as a public official.

18       Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any  
19 provision of the general statutes, if any person is convicted or pleads  
20 guilty or nolo contendere to any crime related to state office, the court,  
21 as part of the sentence imposed, may revoke or reduce any retirement  
22 or other benefit or payment of any kind to which the person is  
23 otherwise entitled under the general statutes for service as a public  
24 official.

25       (b) In determining whether the retirement or other benefit or  
26 payment shall be revoked or reduced, the court shall consider and  
27 make findings on the following factors:

28       (1) The severity of the crime related to state office for which the  
29 person has been convicted or to which the person has pled guilty or  
30 nolo contendere;

31       (2) The amount of monetary loss suffered by the state or a quasi-  
32 public agency or by any other person as a result of the crime related to  
33 state office;

34       (3) The degree of public trust reposed in the person by virtue of the  
35 person's position as a public official; and

36       (4) Any such other factors as, in the judgment of the court, justice  
37 may require.

38       (c) If the court determines that a retirement or other benefit or  
39 payment of a person should be revoked or reduced, it may, after  
40 taking into consideration the financial needs and resources of any  
41 innocent spouse, dependents and designated beneficiaries of the  
42 person, order that some or all of the revoked or reduced benefit or  
43 payment be paid to any innocent spouse, dependent or beneficiary as  
44 justice may require.

45       (d) If the court determines that the retirement or other benefit or  
46 payment of a person should not be revoked or reduced, it shall order  
47 that the retirement or other benefit or payment be made to the person.

48 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose  
49 retirement or other benefits or payments are revoked pursuant to  
50 section 2 of this act shall be entitled to a return of his or her  
51 contribution paid into the relevant pension fund, without interest.

52 (b) Notwithstanding the provisions of subsection (a) of this section,  
53 no payments in return of contributions shall be made or ordered  
54 unless and until the Superior Court determines that the person whose  
55 retirement or other benefits or payments have been revoked under  
56 section 2 of this act has satisfied in full any judgments or orders  
57 rendered by any court of competent jurisdiction for the payment of  
58 restitution for losses incurred by any person as a result of the crime  
59 related to state office. If the Superior Court determines that the person  
60 whose retirement or other benefits or payments have been revoked  
61 under section 2 of this act has failed to satisfy any outstanding  
62 judgment or order of restitution rendered by any court of competent  
63 jurisdiction, it may order that any funds otherwise due to the person as  
64 a return of contribution, or any portion thereof, be paid in satisfaction  
65 of the judgment or order.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

**GAE**      *Joint Favorable Subst.*