



General Assembly

January Session, 2005

Committee Bill No. 35

LCO No. 2982

* _____ SB00035LABGAE022305 _____ *

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING RETIREMENT BENEFITS FOR STATE OFFICIALS OR EMPLOYEES COMMITTING FELONIES ASSOCIATED WITH STATE EMPLOYMENT.

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

1 Section 1. (NEW) (*Effective October 1, 2005*) 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;

5 (2) "State employee" has the same meaning as provided in section 1-
6 79 of the general statutes; and

7 (3) "Felony related to state office or employment" means any of the
8 following criminal offenses committed by a person while serving as a
9 public official or state employee:

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

12 (B) The committing, aiding or abetting of any felonious theft from

13 the state or a quasi-public agency;

14 (C) Bribery in connection with service as a public official or state
15 employee; or

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

22 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) Notwithstanding any
23 provision of the general statutes, if any person is convicted or pleads
24 guilty or nolo contendere to any felony related to state office or
25 employment, the court, as part of the sentence imposed, may revoke or
26 reduce any retirement benefit or payment to which the person is
27 otherwise entitled under the general statutes for service as a public
28 official or state employee.

29 (b) In determining whether the retirement benefit or payment shall
30 be revoked or reduced, the court shall consider and make findings on
31 the following factors:

32 (1) The severity of the felony related to state office or employment
33 for which the person has been convicted or to which the person has
34 pled guilty or nolo contendere;

35 (2) The amount of monetary loss suffered by the state or a quasi-
36 public agency or by any other person as a result of the felony related to
37 state office or employment;

38 (3) The degree of public trust reposed in the person by virtue of the
39 person's position as a public official or state employee; and

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

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

49 (d) If the court determines that the retirement benefit or payment of
50 a person should not be revoked or reduced, it shall order that the
51 retirement benefit or payment be made to the person.

52 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) Any person whose
53 retirement benefits or payments are revoked pursuant to section 2 of
54 this act shall be entitled to a return of his or her contribution paid into
55 the relevant pension fund, without interest.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section

Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section

LAB *Joint Favorable C/R*

GAE