



General Assembly

January Session, 2007

Committee Bill No. 43

LCO No. 3408

03408SB00043GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE REVOCATION OF STATE PENSIONS FOR STATE EMPLOYEES AND PUBLIC OFFICIALS CONVICTED OF CRIMES RELATING TO STATE SERVICE.

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" means public official, as defined in section 1-79
4 of the general statutes;

5 (2) "State employee" means state employee, as defined in section 5-
6 154 of the general statutes; and

7 (3) "Crime related to state office" means any of the following
8 criminal offenses committed by a person while serving as a public
9 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 from passage*) (a) Notwithstanding any
23 provision of the general statutes, if any person is convicted or pleads
24 guilty or nolo contendere to any crime related to state office, the court,
25 as part of the sentence imposed, may revoke or reduce any retirement
26 or other benefit or payment of any kind to which such 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 or other benefit or
30 payment shall be revoked or reduced, the court shall consider and
31 make findings on the following factors:

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

Statement of Purpose:

To prohibit state employees and public officials who are convicted of crimes relating to their state service from continuing to receive state pension payments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. PRAGUE, 19th Dist.

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