



General Assembly

January Session, 2007

Raised Bill No. 1183

LCO No. 4335

04335_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE PENSIONS OF STATE EMPLOYEES OR PUBLIC OFFICIALS CONVICTED OF FRAUD OR CORRUPTION.

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 includes employees of any quasi-public
7 agency, as defined in section 1-120 of the general statutes; and

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

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

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

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

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

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

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

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

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

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

41 (4) If the crime related to state office was part of a fraudulent

42 scheme against the state, the role of the person in the fraudulent
43 scheme against the state; and

44 (5) Any such other factors as, in the judgment of the court, justice
45 may require.

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

53 (d) If the court determines that the retirement or other benefit or
54 payment of such person should not be revoked or reduced, it shall
55 order that the retirement or other benefit or payment be made to such
56 person.

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

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

73 as a return of contribution, or any portion thereof, be paid in
74 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 allow for the court ordered reduction or revocation of pension benefits when a state employee or public official commits a crime related to state office.

[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.]