



General Assembly

Amendment

January Session, 2007

LCO No. 8455

SB0118308455SR0

Offered by:

SEN. CAPIELLO, 24th Dist.
SEN. RORABACK, 30th Dist.
SEN. FREEDMAN, 26th Dist.

To: Subst. Senate Bill No. 1183

File No. 809

Cal. No. 357

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING THE PENSIONS OF STATE AND MUNICIPAL EMPLOYEES OR PUBLIC OFFICIALS CONVICTED OF FRAUD OR CORRUPTION AND THE PROTECTION OF WHISTLEBLOWERS."

1 Strike sections 1 to 3, inclusive, and insert the following in lieu
2 thereof:

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

5 (1) "Public official" means public official, as defined in section 1-79
6 of the general statutes, a judge of any court either elected or appointed,
7 and any elected or appointed municipal official;

8 (2) "State or municipal employee" means state employee, as defined
9 in section 5-154 of the general statutes, and includes an employee of

10 any quasi-public agency, as defined in section 1-120 of the general
11 statutes, or any person, whether appointed, or under contract, who
12 provides services for a city, town or other political subdivision of the
13 state for which a pension or other retirement benefit is provided; and

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

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

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

21 (C) Bribery in connection with service as a public official or state or
22 municipal employee; or

23 (D) The committing of any felony by such person who, wilfully and
24 with the intent to defraud, realizes or obtains, or attempts to realize or
25 obtain, a profit, gain or advantage for himself or herself or for some
26 other person, through the use or attempted use of the power, rights,
27 privileges or duties of his or her position as a public official or state or
28 municipal employee.

29 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision
30 of the general statutes, if any person is convicted or pleads guilty or
31 nolo contendere to any crime related to state or municipal office in
32 state or federal court, the Attorney General shall apply to the Superior
33 Court for an order to revoke any retirement or other benefit or
34 payment of any kind to which such person is otherwise entitled under
35 the general statutes for service as a public official or state or municipal
36 employee. Such order shall be granted by the court.

37 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose
38 retirement or other benefits or payments are revoked pursuant to
39 section 2 of this act shall be entitled to a return of his or her

40 contribution paid into the relevant pension fund, without interest.

41 (b) Notwithstanding the provisions of subsection (a) of this section,
42 no payments in return of contributions shall be made or ordered
43 unless and until the Superior Court determines that the person whose
44 retirement or other benefits or payments have been revoked pursuant
45 to section 2 of this act has satisfied in full any judgments or orders
46 rendered by any court of competent jurisdiction for the payment of
47 restitution to the state or a municipality for losses incurred as a result
48 of the crime related to state or municipal office. If the Superior Court
49 determines that the person whose retirement or other benefits or
50 payments have been revoked under section 2 of this act has failed to
51 satisfy any outstanding judgment or order of restitution rendered by
52 any court of competent jurisdiction, it may order that any funds
53 otherwise due to such person as a return of contribution, or any
54 portion thereof, be paid in satisfaction of the judgment or order.

55 (c) No provision of section 2 of this act or this section shall be
56 construed to prohibit or limit any payment made pursuant to a
57 qualified domestic relations order issued prior to any such conviction
58 or plea by: (1) Any public official or state or municipal employee who
59 is convicted or pleads guilty or nolo contendere to any crime related to
60 state or municipal office; or (2) any state or municipal agency
61 responsible for the administration of such payment on behalf of such
62 public official or state or municipal employee.

63 (d) Notwithstanding the provisions of section 2 of this act, no
64 retirement or other benefit or payment shall be revoked if the Internal
65 Revenue Service determines that such reduction or revocation will
66 negatively affect or invalidate the status of the state's government
67 retirement plans under Section 401(a) of the Internal Revenue Code of
68 1986, or any subsequent corresponding internal revenue code of the
69 United States, as from time to time amended."