



General Assembly

Amendment

February Session, 2018

LCO No. 4214



Offered by:
SEN. LINARES, 33rd Dist.

To: Subst. Senate Bill No. 132

File No. 604

Cal. No. 355

"AN ACT COMBATTING SEXUAL HARASSMENT AND SEXUAL ASSAULT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 1-110a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2018*):

5 (a) (1) Notwithstanding any provision of the general statutes, on or
6 after October 1, 2008, except as provided in subdivision (2) of this
7 subsection, if any public official or state or municipal employee is
8 convicted of or pleads guilty or nolo contendere to any crime related to
9 state or municipal office in state criminal or federal criminal court, the
10 Attorney General shall apply to the Superior Court for an order to
11 revoke or reduce the pension of any kind to which such public official
12 or state or municipal employee is otherwise entitled under the general
13 statutes for service as a public official or state or municipal employee.

14 (2) In the case of any person who (A) is eligible to receive a pension

15 from this state at any time, and (B) is convicted of or pleads guilty or
16 nolo contendere in state court to a violation of section 53a-70 or 53a-
17 70a for an offense that was committed while such person was on duty
18 in his or her position as a state employee, the Attorney General shall
19 apply to the Superior Court for an order to revoke the state pension to
20 which such person is otherwise entitled under the general statutes for
21 service as a public official or state employee.

22 (b) In determining whether the pension shall be revoked or reduced
23 pursuant to subdivision (1) of subsection (a) of this section, the
24 Superior Court shall consider and make findings on the following
25 factors:

26 (1) The severity of the crime related to state or municipal office for
27 which the public official or state or municipal employee has been
28 convicted or to which the public official or state or municipal
29 employee has pled guilty or nolo contendere;

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

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

36 (4) If the crime related to state or municipal office was part of a
37 fraudulent scheme against the state or a municipality, the role of the
38 public official or state or municipal employee in the fraudulent scheme
39 against the state or a municipality; and

40 (5) Any such other factors as, in the judgment of the Superior Court,
41 justice may require.

42 (c) If the court determines, or the Attorney General certifies, that a
43 public official or state or municipal employee, who was convicted of or
44 pled guilty or nolo contendere to a crime, [related to state or municipal

45 office,] as described in subsection (a) of this section, voluntarily
46 provided information to the Attorney General, the Auditors of Public
47 Accounts or any state, federal or local law enforcement official
48 concerning the commission of such crime related to state or municipal
49 office by another public official or state or municipal employee who
50 had a greater degree of culpability for such crime than the public
51 official or state or municipal employee providing such information, the
52 court shall not reduce or revoke the pension of such public official or
53 state or municipal employee, provided such public official or state or
54 municipal employee voluntarily provided such information prior to
55 learning of a criminal investigation into such crime related to state or
56 municipal office.

57 (d) If the Superior Court determines that the pension of a public
58 official or state or municipal employee should be reduced, it may, after
59 taking into consideration the financial needs and resources of any
60 innocent spouse, dependents and designated beneficiaries of the public
61 official or state or municipal employee, order that some or all of the
62 reduced pension be paid to any such innocent spouse, dependent or
63 beneficiary as justice may require.

64 (e) If the Superior Court determines that the pension of such public
65 official or state or municipal employee should not be revoked or
66 reduced, it shall order that the retirement or other benefit or payment
67 be made to such public official or state or municipal employee.

68 (f) In all criminal proceedings in state or federal court in which the
69 defendant is a public official or a state or municipal employee who is
70 charged with a crime related to state or municipal office, or in a
71 criminal proceeding in state court in which the defendant is a person
72 described in subparagraph (2) of subsection (a) of this section, the
73 Attorney General shall notify the prosecutor of the existence of the
74 pension revocation statute and the possibility that any fine, restitution
75 or other monetary order made by the court may be paid from such
76 official's or employee's pension.

77 (g) If any provision, clause or phrase of this section or of any order
78 or any action of the Attorney General hereunder is adjudged by any
79 court of competent jurisdiction to be invalid, or if the applicability
80 thereof to any person or circumstance is held invalid, such judgment
81 shall not invalidate the remainder of this section or such order or
82 action, and the applicability thereof to other persons and
83 circumstances shall not be affected thereby."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2018</i>	1-110a