



General Assembly

Amendment

February Session, 2018

LCO No. 4958



Offered by:

SEN. SOMERS, 18th Dist.
SEN. MCLACHLAN, 24th Dist.
SEN. KISSEL, 7th Dist.
SEN. MINER, 30th 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 Section 1-110a of the general statutes is repealed and the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 upon passage and*
5 *applicable to any conviction or plea of guilty or nolo contendere made on or*
6 *after said date*):

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

13 revoke or reduce the pension of any kind to which such public official
14 or state or municipal employee is otherwise entitled under the general
15 statutes for service as a public official or state or municipal employee.

16 (2) In the case of any person who (A) is eligible to receive a pension
17 from this state at any time, and (B) is convicted of or pleads guilty or
18 nolo contendere in state court to an offense of sexual or physical
19 assault committed against a patient while such person was on duty in
20 his or her position as a state employee providing medical care,
21 treatment or monitoring at state-operated health care facility, the
22 Attorney General shall apply to the Superior Court for an order to
23 revoke the state pension to which such person is otherwise entitled
24 under the general statutes for service as a public official or state
25 employee.

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

30 (1) The severity of the crime related to state or municipal office for
31 which the public official or state or municipal employee has been
32 convicted or to which the public official or state or municipal
33 employee has pled guilty or nolo contendere;

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

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

40 (4) If the crime related to state or municipal office was part of a
41 fraudulent scheme against the state or a municipality, the role of the
42 public official or state or municipal employee in the fraudulent scheme
43 against the state or a municipality; and

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

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

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

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

72 (f) In all criminal proceedings in state or federal court in which the
73 defendant is a public official or a state or municipal employee who is
74 charged with a crime related to state or municipal office, or in a
75 criminal proceeding in state court in which the defendant is a person

76 described in subparagraph (2) of subsection (a) of this section, the
77 Attorney General shall notify the prosecutor of the existence of the
78 pension revocation statute and the possibility that any fine, restitution
79 or other monetary order made by the court may be paid from such
80 official's or employee's pension.

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>upon passage and applicable to any conviction or plea of guilty or nolo contendere made on or after said date</i>	1-110a