



General Assembly

Amendment

January Session, 2019

LCO No. 7762



Offered by:

SEN. SOMERS, 18th Dist.
SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. MARTIN, 31st Dist.

To: Senate Bill No. **1101**

File No. 740

Cal. No. 361

***"AN ACT CONCERNING AN EVALUATION OF HOSPITALS
OPERATED BY THE DEPARTMENT OF MENTAL HEALTH AND
ADDICTION SERVICES."***

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 Section 1-110a of the general statutes is repealed and the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, 2019*):

5 (a) Notwithstanding any provision of the general statutes, [on or
6 after October 1, 2008,] if (1) any public official or state or municipal
7 employee is convicted of or pleads guilty or nolo contendere to any
8 crime related to state or municipal office in state criminal or federal
9 criminal court, or (2) any state employee is convicted of or pleads
10 guilty or nolo contendere to any crime, which is a felony, related to the
11 state employee's care or treatment of a person in a state-operated

12 facility, as defined in section 17a-458, the Attorney General shall apply
13 to the Superior Court for an order to revoke or reduce the pension of
14 any kind to which such public official or state or municipal employee
15 is otherwise entitled under the general statutes for service as a public
16 official or state or municipal employee.

17 (b) In determining whether the pension shall be revoked or reduced,
18 the Superior Court shall consider and make findings on the following
19 factors:

20 (1) The severity of the crime related to state or municipal office for
21 which the public official or state or municipal employee has been
22 convicted or to which the public official or state or municipal
23 employee has pled guilty or nolo contendere;

24 (2) The severity of the crime related to the care or treatment by the
25 state employee of the person in the state-operated facility for which the
26 state employee has been convicted or to which the state employee has
27 pled guilty or nolo contendere;

28 ~~[(2)]~~ (3) The amount of monetary loss suffered by the state, a
29 municipality or a quasi-public agency or by any other person as a
30 result of the crime related to state or municipal office or the care or
31 treatment of a person in a state-operated facility;

32 ~~[(3)]~~ (4) The degree of public trust reposed in the public official or
33 state or municipal employee by virtue of the person's position as a
34 public official or state or municipal employee;

35 ~~[(4)]~~ (5) If the crime related to state or municipal office was part of a
36 fraudulent scheme against the state or a municipality, the role of the
37 public official or state or municipal employee in the fraudulent scheme
38 against the state or a municipality; and

39 ~~[(5)]~~ (6) Any such other factors as, in the judgment of the Superior
40 Court, justice may require.

41 (c) If the court determines, or the Attorney General certifies, that a

42 public official or state or municipal employee, who was convicted of or
43 pled guilty or nolo contendere to a crime related to (1) state or
44 municipal office, or (2) the care or treatment by the state employee of a
45 person in a state-operated facility, voluntarily provided information to
46 the Attorney General, the Auditors of Public Accounts or any state,
47 federal or local law enforcement official concerning the commission of
48 such crime [related to state or municipal office] by another public
49 official or state or municipal employee who had a greater degree of
50 culpability for such crime than the public official or state or municipal
51 employee providing such information, the court shall not reduce or
52 revoke the pension of such public official or state or municipal
53 employee, provided such public official or state or municipal
54 employee voluntarily provided such information prior to learning of a
55 criminal investigation into such crime. [related to state or municipal
56 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 (1) state or municipal office, or (2) the
71 care or treatment by the state employee of a person in a state-operated
72 facility, the Attorney General shall notify the prosecutor of the
73 existence of the pension revocation statute and the possibility that any
74 fine, restitution or other monetary order made by the court may be

75 paid from such official's or employee's pension.

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2019</i>	1-110a