



General Assembly

Amendment

January Session, 2019

LCO No. 9493



Offered by:
REP. FISHBEIN, 90th Dist.

To: House Bill No. 6935

File No. 478

Cal. No. 303

"AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION."

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 Section 1-110a of the general statutes is repealed and the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 a state
18 public official or was on duty in his or her position as a state employee,
19 the Attorney General shall apply to the Superior Court for an order to
20 revoke the state pension to which such person is otherwise entitled
21 under the general statutes for service as a state public official or state
22 employee.

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

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

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

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

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

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

43 (c) If the court determines, or the Attorney General certifies, that a
44 public official or state or municipal employee, who was convicted of or

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

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

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

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

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