



General Assembly

Amendment

January Session, 2019

LCO No. 9890



Offered by:
SEN. SOMERS, 18th Dist.

To: Subst. Senate Bill No. 440

File No. 855

Cal. No. 451

"AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE."

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 Section 1-110a of the general statutes is repealed and the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, or otherwise in the state
13 employee's care or treatment in such employee's official capacity the
14 Attorney General shall apply to the Superior Court for an order to
15 revoke or reduce the pension of any kind to which such public official

16 or state or municipal employee is otherwise entitled under the general
17 statutes for service as a public official or state or municipal employee.

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

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

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

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

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

36 ~~[(4)]~~ (5) 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)]~~ (6) Any such other factors as, in the judgment of the Superior
41 Court, 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 (1) state or
45 municipal office, or (2) the care or treatment by the state employee of a

46 person in a state-operated facility, voluntarily provided information to
47 the Attorney General, the Auditors of Public Accounts or any state,
48 federal or local law enforcement official concerning the commission of
49 such crime [related to state or municipal office] by another public
50 official or state or municipal employee who had a greater degree of
51 culpability for such crime than the public official or state or municipal
52 employee providing such information, the court shall not reduce or
53 revoke the pension of such public official or state or municipal
54 employee, provided such public official or state or municipal
55 employee voluntarily provided such information prior to learning of a
56 criminal investigation into such crime. [related to state or municipal
57 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 (1) state or municipal office, or (2) the
72 care or treatment by the state employee of a person in a state-operated
73 facility, the Attorney General shall notify the prosecutor of the
74 existence of the pension revocation statute and the possibility that any
75 fine, restitution or other monetary order made by the court may be
76 paid from such 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, 2019</i>	1-110a