



General Assembly

**Amendment**

January Session, 2019

LCO No. 10012



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. KELLY, 21<sup>st</sup> 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 Section 1-110a of the general statutes is repealed and the  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 any public official or state or municipal  
7 employee is convicted of or pleads guilty or nolo contendere to (1) any  
8 crime related to state or municipal office in state criminal or federal  
9 criminal court, or (2) an offense of sexual assault against a minor, 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 (b) In determining whether the pension shall be revoked or reduced,  
15 the Superior Court shall consider and make findings on the following  
16 factors:

17 (1) The severity of the crime related to state or municipal office or an  
18 offense of sexual assault against a minor for which the public official or  
19 state or municipal employee has been convicted or to which the public  
20 official or state or municipal employee has pled guilty or nolo  
21 contendere;

22 (2) The amount of monetary loss suffered by the state, a  
23 municipality or a quasi-public agency or by any other person as a  
24 result of the crime related to state or municipal office or an offense of  
25 sexual assault against a minor;

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

29 (4) If the crime related to state or municipal office was part of a  
30 fraudulent scheme against the state or a municipality, the role of the  
31 public official or state or municipal employee in the fraudulent scheme  
32 against the state or a municipality; and

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

35 (c) If the court determines, or the Attorney General certifies, that a  
36 public official or state or municipal employee, who was convicted of or  
37 pled guilty or nolo contendere to (1) a crime related to state or  
38 municipal office, or (2) an offense of sexual assault against a minor,  
39 voluntarily provided information to the Attorney General, the  
40 Auditors of Public Accounts or any state, federal or local law  
41 enforcement official concerning the commission of such crime [related  
42 to state or municipal office by another public official or state or  
43 municipal employee] who had a greater degree of culpability for such  
44 crime than the public official or state or municipal employee providing

45 such information, the court shall not reduce or revoke the pension of  
46 such public official or state or municipal employee, provided such  
47 public official or state or municipal employee voluntarily provided  
48 such information prior to learning of a criminal investigation into such  
49 crime. [related to state or municipal office.]

50 (d) If the Superior Court determines that the pension of a public  
51 official or state or municipal employee should be reduced, it may, after  
52 taking into consideration the financial needs and resources of any  
53 innocent spouse, dependents and designated beneficiaries of the public  
54 official or state or municipal employee, order that some or all of the  
55 reduced pension be paid to any such innocent spouse, dependent or  
56 beneficiary as justice may require.

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

61 (f) In all criminal proceedings in state or federal court in which the  
62 defendant is a public official or a state or municipal employee who is  
63 charged with (1) a crime related to state or municipal office, or (2) an  
64 offense of sexual assault against a minor, the Attorney General shall  
65 notify the prosecutor of the existence of the pension revocation statute  
66 and the possibility that any fine, restitution or other monetary order  
67 made by the court may be paid from such official's or employee's  
68 pension.

69 (g) If any provision, clause or phrase of this section or of any order  
70 or any action of the Attorney General hereunder is adjudged by any  
71 court of competent jurisdiction to be invalid, or if the applicability  
72 thereof to any person or circumstance is held invalid, such judgment  
73 shall not invalidate the remainder of this section or such order or  
74 action, and the applicability thereof to other persons and  
75 circumstances shall not be affected thereby.

76 (h) For purposes of this section, "offense of sexual assault against a

77 minor" means any offense of which the victim is under eighteen years  
78 of age that is a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-  
79 72a, 53a-72b or 53a-73a, or a violation of section 53a-70c."

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