

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 4128

By: Roberts (Sean)

AS INTRODUCED

An Act relating to officers; amending 51 O.S. 2011, Section 24.1, which relates to the suspension or forfeiture of office or employment upon conviction of felony; removing certain exception to forfeiture; requiring payment for expenses of certain special elections; prohibiting use of campaign funds for repayment; allowing for recovery of expenses; providing for penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2011, Section 24.1, is amended to read as follows:

Section 24.1 A. Any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, is, or has been, found guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall be automatically suspended from the office or employment.

B. The Governor shall appoint an interim successor to serve during the period of suspension of any county commissioner or any state officer other than a member of the State Legislature.

1 C. A vacancy created by the suspension of a member of the State
2 Legislature shall be filled as provided in Section 20 of Article V
3 of the Oklahoma Constitution.

4 D. A vacancy created by the suspension of a county officer
5 other than a county commissioner shall be filled as provided by
6 Section 10 of this title.

7 E. In the event any elected or appointed state or county
8 officer or employee who, during the term for which he or she was
9 elected or appointed, pleads guilty or nolo contendere to a felony
10 or any offense involving a violation of his or her official oath in
11 a state or federal court of competent jurisdiction, he or she shall,
12 immediately upon the entry of the plea, forfeit the office or
13 employment.

14 F. Any such officer or employee upon final conviction of, or
15 pleading guilty or nolo contendere to, or receiving a deferred
16 sentence for, a felony in a state or federal court of competent
17 jurisdiction shall vacate such office or employment and if such
18 felony is for bribery, corruption, forgery or perjury or any other
19 crime related to the duties of his or her office or employment, or
20 related to campaign contributions or campaign financing for that or
21 any other office, shall forfeit all benefits of the office or
22 employment, ~~including, but not limited to, retirement benefits~~
23 ~~provided by law, however, the forfeiture of retirement benefits~~
24 ~~shall not occur if any such officer or employee received a deferred~~

1 ~~sentence, but retirement benefits shall not commence prior to~~
2 ~~completion of the deferred sentence. The forfeiture of retirement~~
3 ~~benefits required by this subsection shall not include such~~
4 ~~officer's or employee's contributions to the retirement system or~~
5 ~~retirement benefits that are vested on the effective date of this~~
6 ~~act.~~

7 G. The forfeiture of retirement benefits as provided by
8 subsection F of this section shall also apply to any such officer or
9 employee who, after leaving the office or employment, is convicted
10 of, or pleads guilty or nolo contendere to, in a state or federal
11 court of competent jurisdiction, a felony committed while in such
12 office or employment, where the felony is for bribery, corruption,
13 forgery or perjury or any other crime related to the duties of his
14 or her office or employment, or related to campaign contributions or
15 campaign financing for that or any other office.

16 H. Any claims for payment of salary or wages, or any claims for
17 payment of any other benefits, to any such officer or employee
18 suspended from or forfeiting his or her office or employment shall
19 be rejected by the proper authority.

20 I. Such suspension or forfeiture shall continue until such time
21 as the conviction or guilty plea is reversed by the highest
22 appellate court to which the officer or employee may appeal.

23 J. The attorney responsible for prosecuting such elected or
24 appointed state or county officers or employees shall notify the

1 retirement system in which such officer or employee is enrolled of
2 the forfeiture of such officer's or employee's retirement benefits.
3 Upon receipt of the notice of forfeiture, the retirement system
4 shall immediately suspend all benefits of the officer or employee,
5 and notify the officer or employee of his or her right to a hearing
6 to review whether the conviction or plea qualifies for forfeiture of
7 benefits under this section. If the conviction or plea occurs in
8 federal court or the notice of forfeiture is not forthcoming from
9 the state prosecutor, the retirement system may investigate and
10 gather court documents and contact prosecutors to determine whether
11 the conviction or plea qualifies under this section. Upon obtaining
12 sufficient documentation of the conviction or plea, the retirement
13 system shall immediately suspend all benefits of the officer or
14 employee, and notify the officer or employee of his or her right to
15 a hearing to review whether the conviction or plea qualifies for
16 forfeiture of benefits under this section.

17 K. Within three (3) days of the conviction, or plea of guilty
18 or nolo contendere, of a county commissioner, the district attorney
19 of the county where such county commissioner served shall notify the
20 Governor, in writing, of the suspension, the date of conviction or
21 plea of guilty or nolo contendere resulting in suspension, and the
22 felony committed.

23 L. Within three (3) days of the conviction, or plea of guilty
24 or nolo contendere, of an elected or appointed state officer, the

1 attorney responsible for prosecuting such state officer, shall
2 notify the Governor, in writing, of the suspension, the date of
3 conviction or plea of guilty or nolo contendere resulting in
4 suspension, and the felony committed.

5 M. An elected or appointed state or county officer described in
6 subsection A of this section shall be liable for the fees and costs
7 associated with a special election called to fill a vacancy
8 described in subsections C and D of this section; provided, campaign
9 funds shall not be used to offset expenses incurred by the state for
10 conducting the special election. Any nonpayment of expenses may be
11 recovered by any civil remedy available by law. Provided, this
12 subsection shall not apply to a special election called as a result
13 of a vacancy caused by the death of an elected or appointed state or
14 county officer.

15 N. Any such officer described in subsection F of this section
16 shall be prohibited from serving, directing, or otherwise engaging
17 in any political action committee that does not disclose the donors
18 of the committee. Additionally, any political action committee that
19 the officer was materially affiliated with while committing such
20 crimes shall be required to disclose all donors, expenditures and
21 their amounts publicly. If the political action committee was found
22 to have been materially involved in any such crimes, the officers of
23 that committee and the donors shall be personally liable for up to
24 three times the financial amount of damages.

SECTION 2. This act shall become effective November 1, 2020.

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