

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2408 Session of
1978

INTRODUCED BY GARZIA, ZELLER, F. TAYLOR, CASSIDY, HALVERSON,
O'KEEFE AND WISE, APRIL 18, 1978

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 18, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, authorizing the court to order the
3 forfeiture of certain retirement benefits and for the
4 attachment and assignment of certain funds.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Chapter 11 of Title 18, act of November 25, 1970
8 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, is amended by adding a section to read:

10 § 1107. Actions against retirement benefits.

11 (a) Forfeiture of benefits.--Any officer or employee of the
12 Commonwealth or any of its political subdivisions, agencies or
13 authorities who, in connection with their official duties as an
14 officer or employee breaks their contract with the governmental
15 unit by committing any felony or misdemeanor involving
16 misbehavior in office or employment and who is convicted
17 thereof, shall be sentenced to forfeit any right to receive
18 public pension or annuity benefits to which such person would
19 otherwise have been entitled.

1 (b) Garnishment and attachment of contributions.--In
2 addition to the forfeiture of benefits authorized pursuant to
3 subsection (a), the salary contributions of any such officer or
4 employee shall be subject to garnishment and attachment by the
5 court to offset the imposition of any fine or penalty imposed or
6 to provide restitution to the governmental unit for the value of
7 any property or funds stolen, misused or misallocated by the
8 officer or employee.

9 (c) Return of salary contributions and interest.--Except as
10 provided in subsection (b), any person convicted subject to the
11 conditions enumerated in subsection (a) shall be entitled to the
12 return of his salary contributions and statutory interest
13 thereon. However, before any payment of such contributions and
14 interest is made by any individual, agency or board having such
15 responsibility, the sentencing court shall certify that the
16 individual who has forfeited his benefits pursuant to subsection
17 (a) is not subject to the attachment and garnishment provisions
18 of subsection (b).

19 (d) Acquittal on appeal.--If the conviction of the
20 individual is reversed on appeal and the individual is
21 ultimately acquitted, his pension or annuity rights and any
22 attached or garnished contributions and interest thereon shall
23 be retroactively restored as existing on the date of the initial
24 conviction.

25 (e) Definitions.--As used in this section:

26 "Conviction." Initial conviction by a court of record and
27 includes pleas of guilty and nolo contendere.

28 "Contract." An explicit or implied agreement which shall be
29 deemed to be terminated and renewed each time an officer or
30 employee is elected, appointed, promoted or otherwise changes a

1 job classification.

2 Section 2. This act shall take effect immediately.