

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1290 Session of
2011

INTRODUCED BY FARNESE, STACK, FONTANA, SOLOBAY, EICHELBERGER,
TARTAGLIONE AND ALLOWAY, OCTOBER 18, 2011

REFERRED TO FINANCE, OCTOBER 18, 2011

AN ACT

1 Amending the act of July 8, 1978 (P.L.752, No.140), entitled "An
2 act providing for the forfeiture of the pensions of certain
3 public employees and authorizing the State or political
4 subdivision to garnish the pension benefits of certain public
5 officers and employees upon conviction of certain criminal
6 activity related to their office or position of employment,"
7 further providing for definitions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The definition of "crimes related to public
11 office or public employment" in section 2 of the act of July 8,
12 1978 (P.L.752, No.140), known as the Public Employee Pension
13 Forfeiture Act, amended July 15, 2004 (P.L.733, No.86), is
14 amended to read:

15 Section 2. Definitions.

16 The following words and phrases when used in this act shall
17 have, unless the context clearly indicates otherwise, the
18 meanings given to them in this section:

19 "Crimes related to public office or public employment." Any
20 of the criminal offenses as set forth in the following

provisions of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes or other enumerated statute when committed by a public official or public employee through his public office or position or when his public employment places him in a position to commit the crime:

Any of the criminal offenses set forth in Subchapter B of Chapter 31 (relating to definition of offenses) when the criminal offense is committed by a school employee as defined in 24 Pa.C.S. § 8102 (relating to definitions) against a student.

Section 3922 (relating to theft by deception) when the criminal culpability reaches the level of a misdemeanor of the first degree or higher.

Section 3923 (relating to theft by extortion) when the criminal culpability reaches the level of a misdemeanor of the first degree or higher.

Section 3926 (relating to theft of services) when the criminal culpability reaches the level of a misdemeanor of the first degree or higher.

Section 3927 (relating to theft by failure to make required disposition of funds received) when the criminal culpability reaches the level of a misdemeanor of the first degree or higher.

Section 4101 (relating to forgery).

Section 4104 (relating to tampering with records or identification).

Section 4113 (relating to misapplication of entrusted property and property of government or financial institutions) when the criminal culpability reaches the level of misdemeanor of the second degree.

Section 4701 (relating to bribery in official and political

1 matters).

2 Section 4702 (relating to threats and other improper
3 influence in official and political matters).

4 Section 4902 (relating to perjury).

5 Section 4903(a) (relating to false swearing).

6 Section 4904 (relating to unsworn falsification to
7 authorities).

8 Section 4906 (relating to false reports to law enforcement
9 authorities).

10 Section 4909 (relating to witness or informant taking bribe).

11 Section 4910 (relating to tampering with or fabricating
12 physical evidence).

13 Section 4911 (relating to tampering with public records or
14 information).

15 Section 4952 (relating to intimidation of witnesses or
16 victims).

17 Section 4953 (relating to retaliation against witness, victim
18 or party).

19 Section 5101 (relating to obstructing administration of law
20 or other governmental function).

21 Section 5301 (relating to official oppression).

22 Section 5302 (relating to speculating or wagering on official
23 action or information).

24 Any offense that requires registration under 42 Pa.C.S. §
25 9795.1 (relating to registration).

26 Article III of the act of March 4, 1971 (P.L.6, No.2), known
27 as the "Tax Reform Code of 1971."

28 In addition to the foregoing specific crimes, the term also
29 includes all criminal offenses as set forth in Federal law
30 substantially the same as the crimes enumerated herein.

1 * * *

2 Section 2. This act shall take effect immediately.