

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1877

Session of
1977

INTRODUCED BY FREIND, BURD, SPITZ, STAIRS, CALTAGIRONE,
LIVENGOD, W. D. HUTCHINSON, DAVIES, NOYE, LYNCH, McCLATCHY,
PICCOLA, MANMILLER, ZEARFOSS, GALLEN AND GREENLEAF,
NOVEMBER 16, 1977

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 16, 1977

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for the loss of benefits and
3 contributions upon conviction of certain crimes.

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

6 Section 1. Title 71, act of November 25, 1970 (P.L.707,
7 No.230), known as the Pennsylvania Consolidated Statutes is
8 amended by adding a section to read:

9 § 5312. Loss of rights upon conviction of crime.

10 (a) Loss of benefits.--A member shall automatically forfeit
11 the right to any benefits under this title, except repayment of
12 his contributions and statutory interest thereon, upon
13 conviction of a crime relating to the performance of his
14 official duties.

15 (b) Setoff against contributions.--If the conviction
16 referred to in subsection (a) is based in any way whatsoever on
17 the convicted member having improperly taken, received or used

1 Commonwealth funds or property, then the Commonwealth shall have
2 the right to recover said funds or the value of the property
3 from the contributions and accumulated interest in the member's
4 account.

5 (c) Notice and appeal.--If the Commonwealth asserts its
6 rights pursuant to subsection (b), it shall notify the convicted
7 member by certified mail, return receipt requested, of its
8 intention to seize funds in the member's account, within 30 days
9 of the conviction or, in the case of an appeal, within 30 days
10 of the final resolution of such appeal. Such notice shall also
11 state the amount of money that the Commonwealth intends to so
12 seize. The convicted member shall, within 30 days of said
13 notice, file a complaint in the Commonwealth Court, opposing
14 such action by the Commonwealth. The burden of proof shall be on
15 the convicted member to demonstrate that the action of the
16 Commonwealth is improper. The sole issue for the court to
17 determine shall be whether or not the conviction was for
18 improperly receiving, taking or using Commonwealth funds or
19 property, and the amount thereof. If the convicted member does
20 not file a complaint with the Commonwealth Court within 30 days
21 of the above described notice, he shall have waived his right to
22 oppose the action of the Commonwealth and the Commonwealth shall
23 immediately proceed to seize the funds.

24 Section 2. This act shall take effect in 60 days and shall
25 apply to all crimes committed thereafter.