

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1379 Session of
2002

INTRODUCED BY MELLOW, LAVALLE, MUSTO, KUKOVICH, KITCHEN,
SCHWARTZ, HELFRICK, COSTA, BOSCOLA, LEMMOND, HUGHES, STOUT,
C. WILLIAMS AND STACK, APRIL 29, 2002

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, APRIL 29, 2002

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 defining "crimes related to public office or public
8 employment."

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

11 Section 1. The definition of "crimes related to public
12 office or public employment" in section 2 of the act of July 8,
13 1978 (P.L.752, No.140), known as the Public Employee Pension
14 Forfeiture Act, is 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 following criminal offenses as set forth in 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:

[(1) § 3922 (relating to theft by deception);

(2) § 3923 (relating to theft by extortion);

(3) § 3926 (relating to theft of services);

(4) § 3927 (relating to theft by failure to make required disposition of funds received); The provisions of paragraphs (1) through (4) shall only apply when the criminal culpability reaches the level of a misdemeanor of the first degree or higher;

(5) § 4101 (relating to forgery);

(6) § 4104 (relating to tampering with records or identification);

(7) § 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;

(8) § 4701 (relating to bribery in official and political matters);

(9) § 4702 (relating to threats and other improper influence in official and political matters);

(10) § 4902 (relating to perjury);

(11) § 4903(a) (relating to false swearing);

(12) § 4904 (relating to unsworn falsification to authorities);

(13) § 4906 (relating to false reports to law enforcement authorities);

1 (14) § 4907 (relating to tampering with witnesses and
2 informants);

3 (15) § 4908 (relating to retaliation against witness or
4 informant);

5 (16) § 4909 (relating to witness or informant taking
6 bribe);

7 (17) § 4910 (relating to tampering with or fabricating
8 physical evidence);

9 (18) § 4911 (relating to tampering with public records
10 or information);

11 (19) § 5101 (relating to obstructing administration of
12 law or other governmental function);

13 (20) § 5301 (relating to official oppression);

14 (21) § 5302 (relating to speculating or wagering on
15 official action or information); and

16 (22) Article III, act of March 4, 1971 (P.L.6, No.2),
17 known as the "Tax Reform Code of 1971."]

18 § 903 (relating to criminal conspiracy);

19 § 3502 (relating to burglary);

20 § 3503 (relating to criminal trespass);

21 § 3921 (relating to theft by unlawful taking or
22 disposition);

23 § 3922 (relating to theft by deception) when the criminal
24 culpability reaches the level of a misdemeanor of the first
25 degree or higher;

26 § 3923 (relating to theft by extortion) when the criminal
27 culpability reaches the level of a misdemeanor of the first
28 degree or higher;

29 § 3925 (relating to receiving stolen property);

30 § 3926 (relating to theft of services) when the criminal

1 culpability reaches the level of a misdemeanor of the first
2 degree or higher;

3 § 3927 (relating to theft by failure to make required
4 disposition of funds received) when the criminal culpability
5 reaches the level of a misdemeanor of the first degree or
6 higher;

7 § 4101 (relating to forgery);

8 § 4104 (relating to tampering with records or
9 identification);

10 § 4113 (relating to misapplication of entrusted property
11 and property of government or financial institutions) when
12 the criminal culpability reaches the level of misdemeanor of
13 the second degree;

14 § 4701 (relating to bribery in official and political
15 matters);

16 § 4702 (relating to threats and other improper influence
17 in official and political matters);

18 § 4902 (relating to perjury);

19 § 4903(a) (relating to false swearing);

20 § 4904 (relating to unsworn falsification to
21 authorities);

22 § 4906 (relating to false reports to law enforcement
23 authorities);

24 § 4907 (relating to tampering with witnesses and
25 informants);

26 § 4908 (relating to retaliation against witness or
27 informant);

28 § 4909 (relating to witness or informant taking bribe);

29 § 4910 (relating to tampering with or fabricating
30 physical evidence);

1 § 4911 (relating to tampering with public records or
2 information);

3 § 5101 (relating to obstructing administration of law or
4 other governmental function);

5 § 5301 (relating to official oppression);

6 § 5302 (relating to speculating or wagering on official
7 action or information); and

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

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

13 * * *

14 Section 2. This act shall take effect in 60 days.