

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2220 Session of
2005

INTRODUCED BY FRANKEL, CALTAGIRONE, CURRY, DeLUCA, GEIST, GOOD,
HARRIS, LEVDANSKY, MILLARD, MUNDY, MUSTIO, PYLE, SIPTROTH,
TANGRETTI AND TRUE, NOVEMBER 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 14, 2005

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, amended July 15, 2004 (P.L.733, No.86), is
15 amended to read:

16 Section 2. Definitions.

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

20 "Crimes related to public office or public employment." Any

1 of the criminal offenses as set forth in the following
2 provisions of Title 18 (Crimes and Offenses) of the Pennsylvania
3 Consolidated Statutes or other enumerated statute when committed
4 by a public official or public employee through his public
5 office or position or when his public employment places him in a
6 position to commit the crime:

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

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

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

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

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

25 Section 4101 (relating to forgery).

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

28 Section 4113 (relating to misapplication of entrusted
29 property and property of government or financial
30 institutions) when the criminal culpability reaches the level

1 of misdemeanor of the second degree.

2 Section 4701 (relating to bribery in official and
3 political matters).

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

6 Section 4902 (relating to perjury).

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

8 Section 4904 (relating to unsworn falsification to
9 authorities).

10 Section 4906 (relating to false reports to law
11 enforcement authorities).

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

14 Section 4910 (relating to tampering with or fabricating
15 physical evidence).

16 Section 4911 (relating to tampering with public records
17 or information).

18 Section 4952 (relating to intimidation of witnesses or
19 victims).

20 Section 4953 (relating to retaliation against witness,
21 victim or party).

22 Section 5101 (relating to obstructing administration of
23 law or other governmental function).

24 Section 5301 (relating to official oppression).

25 Section 5302 (relating to speculating or wagering on
26 official action or information).

27 Any felony offense under the act of April 14, 1972
28 (P.L.233, No.64), known as "The Controlled Substance, Drug,
29 Device and Cosmetic Act," when committed by a public official
30 or public employee at his place of public office or public

1 employment.

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

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

7 * * *

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