

MEMORANDUM

To: All House Members
From: Representative Eugene DePasquale
Date: June 29, 2012
Re: **Public Pension Forfeiture**

In the near future, I plan to introduce legislation amending the Act of July 8, 1978 (P.L.752, No. 140), otherwise known as the Public Employee Pension Forfeiture Act, to add offenses committed against minors that require registration pursuant to 42 Pa.C.S. §9795.1 to the list of crimes related to public office or public employment.

As I am sure you are aware, on June 22, 2012, Jerry Sandusky was found guilty of 45 out of 48 counts of child sexual abuse involving 10 victims. On June 28, 2012, the *Patriot News* reported that Mr. Sandusky would continue to receive his \$58,898 state pension, because the crimes he committed did not disqualify him from doing so. Under current Pennsylvania law, public officials and public employees that are convicted or plead guilty or no defense to any crime related to public office or public employment lose all rights to pension benefits. While the law currently provides for crimes where school employees perpetrate sexual offenses against students, there are no provisions regarding loss of retirement or other benefit payments for public officials or public employees who commit sex crimes involving minors. Under my proposal, any public official or public employee who is convicted or pleads guilty or no defense to any offense committed against a minor that requires registration pursuant to 42 Pa.C.S. §9795.1 will lose all rights to pension benefits.

In addition to the aforementioned change, my bill will also amend the Public Employee Pension Forfeiture Act to require any public official or public employee who is convicted or pleads guilty or pleads no defense in any court of record to any crime related to a public office or public employment, to make complete and full restitution of any monetary loss incurred as a result of the criminal offense, to the public school where they were employed. While there are concerns that Penn State University officials were aware of Jerry Sandusky's behavior, I feel that he should reimburse the school for his use of their facilities to perpetrate crimes, if the school is held accountable.

The most important language in my bill is a retroactivity clause which will apply the changes to the Public Employee Pension Forfeiture Act starting June 1, 2012. While I know many are concerned about the constitutionality of a retroactive change to pension laws, I feel that Mr. Sandusky should not be rewarded with a public pension, paid for by the good citizens of this Commonwealth, after committing such heinous crimes.

Both public officials and public employees are entrusted to act in the best interests of the citizens of Pennsylvania. Committing a sex crime that requires registration as a sex offender pursuant to the provisions of Megan's Law is a direct breach of public trust. It is my opinion that those individuals who commit crimes that require registration under those provisions have no right to a publicly-funded pension afforded to law abiding public servants. In addition, if that person's actions result in any monetary loss, the public school should receive complete and full restitution from the guilty party. Though Mr. Sandusky was convicted of 45 out of 48 offenses, justice will not be truly served until his pension has been revoked.

Please join me in sponsoring this important legislation. If you are interested in co-sponsoring this legislation, please contact Cynthia Clory in my Harrisburg office via email at CClory@pahouse.net or at 717-787-7514.