

## 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, for disqualification and  
8 forfeiture of benefits and for restitution for monetary loss;  
9 and repealing retroactivity provision.

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

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

18 Section 2. Definitions.

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

1       "Crime of violence." Any of the criminal offenses set forth  
2 in 18 Pa.C.S. Ch. 25 (relating to criminal homicide), aggravated  
3 assault as defined in 18 Pa.C.S. § 2702 (relating to aggravated  
4 assault), rape as defined in 18 Pa.C.S. § 3121 (relating to  
5 rape), involuntary deviate sexual intercourse as defined in 18  
6 Pa.C.S. § 3123 (relating to involuntary deviate sexual  
7 intercourse), aggravated indecent assault as defined in 18  
8 Pa.C.S. § 3125 (relating to aggravated indecent assault), incest  
9 as defined in 18 Pa.C.S. § 4302 (relating to incest), sexual  
10 assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual  
11 assault), sexual abuse of children as defined in 18 Pa.C.S. §  
12 6312 (relating to sexual abuse of children), arson as defined in  
13 18 Pa.C.S. § 3301(a) (relating to arson and related offenses),  
14 kidnapping as defined in 18 Pa.C.S. § 2901 (relating to  
15 kidnapping), burglary as defined in 18 Pa.C.S. § 3502(a)(1)  
16 (relating to burglary), robbery as defined in 18 Pa.C.S. § 3701  
17 (relating to robbery), robbery of a motor vehicle as defined in  
18 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle),  
19 terrorism as defined in 18 Pa.C.S. § 2717 (relating to  
20 terrorism), or criminal attempt, criminal conspiracy or criminal  
21 solicitation to commit any of the offenses listed in this  
22 definition, or an equivalent crime under the laws of this  
23 Commonwealth in effect at the time of the commission of that  
24 offense, or an equivalent crime in any other jurisdiction. In  
25 addition to the crimes specified in this definition, the term  
26 also includes all criminal offenses as set forth in Federal law  
27 which are substantially the same as the crimes enumerated in  
28 this definition.

29       ["Crimes] "Crime related to public office or public  
30 employment." Any of the criminal offenses as set forth in the

1 following provisions of Title 18 (Crimes and Offenses) of the  
2 Pennsylvania Consolidated Statutes or other enumerated statute,  
3 or criminal attempt, criminal conspiracy or criminal  
4 solicitation to commit any of the offenses listed in this  
5 definition, when committed by a public official or public  
6 employee through his public office or position or when his  
7 public employment places him in a position to commit the crime:

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

12 Section 3921 (relating to theft by unlawful taking or  
13 disposition) when the criminal culpability reaches the level of  
14 a misdemeanor of the first degree or higher.

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

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

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

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

28 Section 4101 (relating to forgery).

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

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

5 Section 4701 (relating to bribery in official and political  
6 matters).

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

9 Section 4902 (relating to perjury).

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

11 Section 4904 (relating to unsworn falsification to  
12 authorities).

13 Section 4906 (relating to false reports to law enforcement  
14 authorities).

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

16 Section 4910 (relating to tampering with or fabricating  
17 physical evidence).

18 Section 4911 (relating to tampering with public records or  
19 information).

20 Section 4952 (relating to intimidation of witnesses or  
21 victims).

22 Section 4953 (relating to retaliation against witness, victim  
23 or party).

24 Section 5101 (relating to obstructing administration of law  
25 or other governmental function).

26 Section 5301 (relating to official oppression).

27 Section 5302 (relating to speculating or wagering on official  
28 action or information).

29 65 Pa.C.S. § 1103 (relating to restricted activities).

30 Article III of the act of March 4, 1971 (P.L.6, No.2), known

1 as the "Tax Reform Code of 1971."

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

5 "Felony offense." Any crime classified as a felony under the  
6 laws of this Commonwealth or any other jurisdiction or a Federal  
7 offense punishable by a term of imprisonment greater than one  
8 year.

9 \* \* \*

10 Section 2. Sections 3(a) and 4(a) of the act are amended to  
11 read:

12 Section 3. Disqualification and forfeiture of benefits.

13 (a) Notwithstanding any other provision of law, no public  
14 official or public employee nor any beneficiary designated by  
15 such public official or public employee shall be entitled to  
16 receive any retirement or other benefit or payment of any kind  
17 except a return of the contribution paid into any pension fund  
18 without interest, if such public official or public employee is  
19 convicted or pleads guilty or no defense to any felony offense,  
20 any crime related to public office or public employment or any  
21 crime of violence.

22 \* \* \*

23 Section 4. Restitution for monetary loss.

24 (a) Whenever any public official or employee who is a member  
25 of any pension system funded by public moneys is convicted or  
26 pleads guilty or pleads no defense in any court of record to any  
27 felony offense, any crime related to a public office or public  
28 employment or any crime of violence, the court shall order the  
29 defendant to make complete and full restitution to the  
30 Commonwealth or political subdivision of any monetary loss

1 incurred as a result of the criminal offense.

2 \* \* \*

3 Section 3. Section 7 of the act is repealed:

4 [Section 7. Retroactively.

5 The provisions of this act shall be retroactive to December  
6 1, 1972.]

7 Section 4. This act shall take effect immediately.