

**PUBLIC EMPLOYEE PENSION FORFEITURE ACT - DEFINITION OF "CRIMES RELATED TO
PUBLIC OFFICE OR PUBLIC EMPLOYMENT"**

Act of Jul. 15, 2004, P.L. 733, No. 86

Cl. 43

Session of 2004

No. 2004-86

SB 971

AN ACT

Amending the act of July 8, 1978 (P.L.752, No.140), entitled "An act providing for the forfeiture of the pensions of certain public employees and authorizing the State or political subdivision to garnish the pension benefits of certain public officers and employees upon conviction of certain criminal activity related to their office or position of employment," further defining "crimes related to public office or public employment" to include certain sexual offenses committed by school employees against students.

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

Section 1. The definition of "crimes related to public office or public employment" in section 2 of the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, is amended to read:

Section 2. Definitions.

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

"Crimes related to public office or public employment." Any of the [following] criminal offenses as set forth in **the following provisions of** 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);
(14) § 4907 (relating to tampering with witnesses and informants);
(15) § 4908 (relating to retaliation against witness or informant);
(16) § 4909 (relating to witness or informant taking bribe);
(17) § 4910 (relating to tampering with or fabricating physical evidence);
(18) § 4911 (relating to tampering with public records or information);
(19) § 5101 (relating to obstructing administration of law or other governmental function);
(20) § 5301 (relating to official oppression);
(21) § 5302 (relating to speculating or wagering on official action or information); and
(22) Article III, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."]

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

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

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

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

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

Section 4101 (relating to forgery).

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

Section 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.

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

Section 4702 (relating to threats and other improper

influence in official and political matters).

Section 4902 (relating to perjury).

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

Section 4904 (relating to unsworn falsification to authorities).

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

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

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

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

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

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

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

Section 5301 (relating to official oppression).

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

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

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

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

APPROVED--The 15th day of July, A. D. 2004.

EDWARD G. RENDELL