

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1182 Session of
2009

INTRODUCED BY CASORIO, CALTAGIRONE, D. COSTA, CUTLER, DALLY,
DEASY, HENNESSEY, KULA, MAHONEY, MANN, MATZIE, MOUL, MURT,
REICHLEY, SIPTROTH, SWANGER, VULAKOVICH, WALKO, MELIO AND
HORNAMAN, APRIL 3, 2009

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2009

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. Section 2 of the act of July 8, 1978 (P.L.752,
12 No.140), known as the Public Employee Pension Forfeiture Act,
13 amended July 15, 2004 (P.L.733, No.86), is amended to read:

14 Section 2. Definitions.

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

18 "Crimes related to public office or public employment." Any
19 of the criminal offenses as set forth in the following
20 provisions of Title 18 (Crimes and Offenses) of the Pennsylvania

1 Consolidated Statutes or other enumerated statute when committed
2 by a public official or public employee through his public
3 office or position or when his public employment places him in a
4 position to commit the crime:

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

9 Section 3124.2 (relating to institutional sexual assault).

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

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

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

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

23 Section 4101 (relating to forgery).

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

26 Section 4113 (relating to misapplication of entrusted
27 property and property of government or financial institutions)
28 when the criminal culpability reaches the level of misdemeanor
29 of the second degree.

30 Section 4701 (relating to bribery in official and political

1 matters).

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

4 Section 4902 (relating to perjury).

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

6 Section 4904 (relating to unsworn falsification to
7 authorities).

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

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

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

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

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

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

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

21 Section 5123(a), (c) or (c.1) (relating to contraband).

22 Section 5301 (relating to official oppression).

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

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

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

30 "Political subdivision." Any county, city, borough,

1 incorporated town, township, school district, vocational school
2 district, intermediate unit, municipal authority, home rule,
3 optional plan or optional charter municipality, and any
4 agencies, boards, commissions, committees, departments,
5 instrumentalities, or entities thereof designated to act in
6 behalf of a political subdivision either by statute or
7 appropriation.

8 "Public official" or "public employee." Any person who is
9 elected or appointed to any public office or employment
10 including justices, judges and justices of the peace and members
11 of the General Assembly or who is acting or who has acted in
12 behalf of the Commonwealth or a political subdivision or any
13 agency thereof including but not limited to any person who has
14 so acted and is otherwise entitled to or is receiving retirement
15 benefits whether that person is acting on a permanent or
16 temporary basis and whether or not compensated on a full or
17 part-time basis. This term shall not include independent
18 contractors nor their employees or agents under contract to the
19 Commonwealth or political subdivision nor shall it apply to any
20 person performing tasks over which the Commonwealth or political
21 subdivision has no legal right of control. However, this term
22 shall include all persons who are members of any retirement
23 system funded in whole or in part by the Commonwealth or any
24 political subdivision. For the purposes of this act such persons
25 are deemed to be engaged in public employment.

26 Section 2. The amendment of section 2 of the act shall apply
27 to crimes related to public office or public employment
28 committed on and after the effective date of this section.

29 Section 3. This act shall take effect in 60 days.