
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 870 Session of
2009

INTRODUCED BY BOSCOLA, WASHINGTON, TARTAGLIONE, FONTANA,
RAFFERTY, ALLOWAY, WAUGH, FARNESE AND D. WHITE, MAY 27, 2009

REFERRED TO FINANCE, MAY 27, 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. 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
21 of the criminal offenses as set forth in the following

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

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

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 5301 (relating to official oppression).

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

24 Section 13(a)(14), (30) or (37) of the act of April 14, 1972
25 (P.L.233, No.64), known as "The Controlled Substance, Drug,
26 Device and Cosmetic Act," when the criminal offense is committed
27 by a school administrator or teacher on school property.

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

30 In addition to the foregoing specific crimes, the term also

1 includes all criminal offenses as set forth in Federal law
2 substantially the same as the crimes enumerated herein.

3 * * *

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