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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 197 Session of  
2011

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INTRODUCED BY BOSCOLA, TARTAGLIONE, WAUGH, D. WHITE, KASUNIC,  
FARNESE, SOLOBAY, FONTANA, ERICKSON AND RAFFERTY,  
JANUARY 20, 2011

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REFERRED TO FINANCE, JANUARY 20, 2011

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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.

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

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

15 Section 2. Definitions.

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

19 "Crimes related to public office or public employment." Any  
20 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.

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