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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 90 Session of  
2013

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INTRODUCED BY BOSCOLA, TARTAGLIONE, FONTANA, WAUGH, FARNESE,  
TEPLITZ, WASHINGTON, SOLOBAY, ALLOWAY AND RAFFERTY,  
JANUARY 9, 2013

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REFERRED TO FINANCE, JANUARY 9, 2013

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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  
9 in 24 Pa.C.S. § 8102 (relating to definitions) against a  
10 student.

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

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

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

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

24 Section 4101 (relating to forgery).

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

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

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

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

5 Section 4902 (relating to perjury).

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

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

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

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

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

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

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

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

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

23 Section 5301 (relating to official oppression).

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

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

1           Article III of the act of March 4, 1971 (P.L.6, No.2),  
2           known as the "Tax Reform Code of 1971."  
3   In addition to the foregoing specific crimes, the term also  
4   includes all criminal offenses as set forth in Federal law  
5   substantially the same as the crimes enumerated herein.

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