



Senate Finance Committee

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BILL SUMMARY

HOUSE BILL 1182, PN 1830 (REP. CASORIO)

Summary:

Amends Act 140 of 1978, the Public Employee Pension forfeiture Act, to add two additional offenses, “Institutional Sexual Assault” and “Contraband” to the list of offenses which triggers the forfeiture of pension benefits under that act and establishes that, following conviction under the Act, forfeiture of benefits will be retroactive to the date of preliminary arraignment.

This legislation also provides that the forfeiture of benefits shall be calculated from the date of arraignment upon entry of a plea of guilty or no defense or upon initial conviction.

“Institutional Sexual Assault”: The crime of institutional sexual assault is committed when a person who is an employee of the Department of Corrections or a county jail or an employee of a youth development center, State or county juvenile detention center, or other licensed residential facility serving children, or an employee of a mental health or mental retardation facility, reengages in sexual intercourse, deviate sexual intercourse, or indecent contact with the inmate, detainee, resident or patient.

“Contraband”: The crime of contraband prohibits furnishing, selling, or otherwise providing an inmate in a prison or mental hospital a controlled substance, liquor, medicine, or poison, or a cell phone or other telecommunication device.

Current Law:

The Public Employee Pension Forfeiture Act provides for the forfeiture of the pensions of certain public employees and authorizes 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.

“Crimes related to public office of public employment” under the act include any of the following criminal offenses set forth in the following provisions of title 18 (Crimes and Offenses) 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:

- Any of the offenses set forth in Subchapter B of Chapter 31 (relating to definition of offenses, and examples of such offenses include rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault) when the offense is committed by a school employee against a student
- Theft by deception when the criminal culpability reaches the level of misdemeanor or the first degree or higher
- Theft by extortion when the criminal culpability reaches the level of a misdemeanor of the first degree or higher

- Theft of services when the criminal culpability reaches the level of a misdemeanor of the first degree or higher
- 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
- Forgery
- Tampering with records or identification
- Misapplication of entrusted property and property of government or financial institutions when the criminal culpability reaches the level of a misdemeanor of the second degree
- Bribery in official and political matters.
- Threats and other improper influence in official and political matters
- Perjury
- False swearing
- Unsworn falsification to authorities
- False reports to law enforcement authorities
- Witness or informant taking a bribe
- Tampering with or fabricating physical evidence
- Tampering with public records or information
- Intimidation of witnesses or victims
- Retaliation against witness, victim or party
- Obstructing administration of law or other government function
- Official oppression
- Speculating or wagering on official action or information
- Article III of the “Tax Reform Code of 1971” (relating to personal income taxes)

In addition, the act provides that conviction for “all criminal offenses as set forth in Federal law substantially the same” as those enumerated will trigger forfeiture.

Current law further provides that the benefits shall be forfeited upon entry of a plea of guilty or no defense or upon initial conviction.

Effective date:

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

This act shall take effect in 60 days.