

The House Committee on Judiciary Non-civil offers the following substitute to HB 255:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to restrictions and prohibitions on membership in public retirement or pension  
3 systems, so as to expand the definition of the term "public employment related crime"; to  
4 provide for notification of a conviction and the termination of rights, privileges, and benefits;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to  
9 restrictions and prohibitions on membership in public retirement or pension systems, is  
10 amended by revising paragraph (6) of Code Section 47-1-20, relating to definitions, as  
11 follows:

- 12 "(6) 'Public employment related crime' means any one or more of the following crimes:
- 13 (A) Theft as provided in any one or more of Code Sections 16-8-2 through 16-8-9  
14 when the theft is by an officer or employee of a government in breach of duties as such  
15 officer or employee and conviction for such crime is punishable under paragraph (3)  
16 of subsection (a) of Code Section 16-8-12;
- 17 (B) Any felony provided for in Article 1 of Chapter 10 of Title 16, relating to abuse of  
18 governmental office;
- 19 (C) Making false statements or concealing facts in matters within the jurisdiction of the  
20 state or a political subdivision as provided in Code Section 16-10-20;
- 21 (D) Conspiracy to defraud the state or a political subdivision as provided in Code  
22 Section 16-10-21;
- 23 (E) Stealing, altering, or concealing public records as provided in Code Section  
24 45-11-1; ~~and~~
- 25 (F) Selling offices or dividing fees as provided in Code Section 45-11-2; and

1 (G) Any felony offense related to the officer's or employee's public employment in the  
2 State of Georgia as provided under the laws of this state, any other state, or the United  
3 States; provided, however, that the provisions of this subparagraph shall apply to  
4 persons who first or again become members of a public retirement system on or after  
5 July 1, 2008."

6 **SECTION 2.**

7 Said article is further amended by adding a new Code section to read as follows:

8 "47-1-22.2.

9 Upon the final conviction of any person for a public employment related crime, the  
10 prosecuting attorney shall so notify the defendant's former public employer and any public  
11 retirement system in which he or she knows the convicted public employee to be an active,  
12 inactive, or retired member. Upon such notification, the public employer shall also notify  
13 any such public retirement system. Such person's membership rights, privileges, and  
14 benefits shall be terminated immediately upon any notification to the retirement system of  
15 the conviction as provided in this article."

16 **SECTION 3.**

17 All laws and parts of laws in conflict with this Act are repealed.