

SECOND REGULAR SESSION

SENATE BILL NO. 1175

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

3811S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 105.669, RSMo, and to enact in lieu thereof two new sections relating to ethics.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 105.669, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 105.451 and 105.669, to read as follows:

105.451. 1. Any person shall be deemed of bad moral
2 character, untrustworthy, and unfit for elected public
3 office or employment with the state or any local government
4 if the person, while holding an elected public office, and
5 by clothing him or herself with the influence, prestige, or
6 authority of his or her public office or through any public
7 or private title, office, or position arising out of or
8 associated with his or her public office, including, but not
9 limited to, a caucus or association of elected public
10 officials, is or has been convicted of:

11 (1) Stealing campaign funds by deceit pursuant to
12 section 570.030 or otherwise in violation of any other
13 provision of law;

14 (2) Stealing the funds of a caucus or association or
15 funds intended for a caucus or association by deceit
16 pursuant to section 570.030 or otherwise in violation of any
17 other provision of law;

18 (3) Expending campaign funds in violation of section
19 130.031; or

20 (4) Converting campaign funds to his or her personal
21 use in violation of section 130.034.

22 2. Any person deemed unfit for elected public office
23 or employment with the state or any local government as
24 provided in subsection 1 of this section shall forfeit his
25 or her elected public office or employment and be removed
26 from said elected public office or employment.

27 3. Any elected or appointed official who knowingly,
28 willingly, or purposefully appoints or retains a person
29 unfit for employment with the state or any local government
30 as provided in subsection 1 of this section shall forfeit
31 his or her office.

32 4. The prosecuting attorney, circuit attorney, or
33 attorney general, upon receipt of knowledge or information
34 of any elected public officer or public employee who is
35 declared unfit for elected public office or employment with
36 the state or any local government pursuant to subsection 1
37 or 3 of this section, shall commence an action to remove
38 from public employment or public office any public employee
39 or elected public official who is disqualified from holding
40 public employment or elected public office or has forfeited
41 his or her public employment or elected public office in
42 connection with a conviction or violation described in
43 subsection 1 of this section.

105.669. 1. Any participant of a plan who is
2 convicted of a felony offense listed in subsection 3 of this
3 section, which is committed in direct connection with or
4 directly related to the participant's duties as an employee
5 on or after August 28, 2014, shall not be eligible to
6 receive any retirement benefits from the respective plan

7 based on service rendered on or after August 28, 2014,
8 except a participant may still request from the respective
9 retirement system a refund of the participant's plan
10 contributions, including interest credited to the
11 participant's account.

12 2. The employer of any participant who is charged or
13 convicted of a felony offense listed in subsection 3 of this
14 section, which is committed in direct connection with or
15 directly related to the participant's duties as an employee
16 on or after August 28, 2014, shall notify the appropriate
17 retirement system in which the offender was a participant
18 and provide information in connection with such charge or
19 conviction. The plans shall take all actions necessary to
20 implement the provisions of this section.

21 3. A felony conviction based on any of the following
22 offenses or a substantially similar offense provided under
23 federal law shall result in the ineligibility of retirement
24 benefits as provided in subsection 1 of this section:

25 (1) The offense of felony stealing under section
26 570.030 when such offense involved money, property, or
27 services valued at five thousand dollars or more;

28 (2) The offense of felony receiving stolen property
29 under section 570.080, as it existed before January 1, 2017,
30 when such offense involved money, property, or services
31 valued at five thousand dollars or more;

32 (3) The offense of forgery under section 570.090;

33 (4) The offense of felony counterfeiting under section
34 570.103;

35 (5) The offense of bribery of a public servant under
36 section 576.010; or

37 (6) The offense of acceding to corruption under
38 section 576.020.

39 4. Any participant of a plan who is unfit for elected
40 public office or employment with the state or any local
41 government pursuant to subsection 1 of section 105.451 shall
42 not be eligible to receive any retirement benefits from the
43 respective plan.

44 5. The employer of any participant who is declared
45 unfit for elected public office or employment with the state
46 or any local government pursuant to subsection 1 of section
47 105.451 shall notify the appropriate retirement system in
48 which the public employee or public official was a
49 participant and provide information in connection with a
50 conviction or violation described in subsection 1 of section
51 105.451.

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