

FIRST REGULAR SESSION

# SENATE BILL NO. 425

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

0032S.01H

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Section A. Section 105.669, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.451 and 105.669, to read as follows:

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

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

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

(3) Expending campaign funds in violation of section 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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