

FIRST REGULAR SESSION

HOUSE BILL NO. 866

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOSLEY.

1940H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 105.669, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 105.451 and 105.669, to read as follows: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

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

2. Any person deemed unfit for elected public office or employment with the state or any local government as provided in subsection 1 of this section shall forfeit his

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 or her elected public office or employment and be removed from said elected public
19 office or employment.

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

23 4. The prosecuting attorney, circuit attorney, or attorney general, upon receipt of
24 knowledge or information of any elected public officer or public employee who is
25 declared unfit for elected public office or employment with the state or any local
26 government pursuant to subsection 1 or 3 of this section, shall commence an action to
27 remove from public employment or public office any public employee or elected public
28 official who is disqualified from holding public employment or elected public office or
29 has forfeited his or her public employment or elected public office in connection with a
30 conviction or violation described in subsection 1 of this section.

105.669. 1. Any participant of a plan who is convicted of a felony offense listed in
2 subsection 3 of this section, which is committed in direct connection with or directly related
3 to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to
4 receive any retirement benefits from the respective plan based on service rendered on or after
5 August 28, 2014, except a participant may still request from the respective retirement system
6 a refund of the participant's plan contributions, including interest credited to the participant's
7 account.

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

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

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

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

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

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

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

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

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

29 **5. The employer of any participant who is declared unfit for elected public office**
30 **or employment with the state or any local government pursuant to subsection 1 of**
31 **section 105.451 shall notify the appropriate retirement system in which the public**
32 **employee or public official was a participant and provide information in connection**
33 **with a conviction or violation described in subsection 1 of section 105.451.**

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