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HOUSE BILL 96

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO PUBLIC OFFICIALS; MAKING A PUBLIC OFFICIAL
INELIGIBLE TO RECEIVE A PENSION IF THE PUBLIC OFFICIAL IS
CONVICTED OF OR HAS PLED GUILTY OR NOLO CONTENDERE TO A
CORRUPTION OFFENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Employees
Retirement Act is enacted to read:

"[NEW MATERIAL] ELIGIBILITY REQUIREMENTS FOR PUBLIC
OFFICIALS--DEFINITIONS.--

A. In order to be eligible to receive a pension
under the Public Employees Retirement Act for any time served
as a public official, a public official shall not have been
convicted of or have pled guilty or nolo contendere to a
corruption offense after the official's first election to a

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1 public office.

2 B. Any portion of a pension that, pursuant to a
3 court order, is committed to satisfy community property
4 interest or child support obligations pursuant to Section
5 10-11-136, 10-11-136.1, 10-12B-7, 10-12C-7 or 22-11-42 NMSA
6 1978, or in any other proceeding, shall not be affected under
7 this section for the duration of the obligation.

8 C. If, pursuant to this section, a public official
9 is no longer eligible to receive a pension, any amounts
10 contributed by the public official and credited to the person's
11 account in the state retirement system shall be refunded to the
12 person, pursuant to the satisfaction of any of the obligations
13 in Subsection B of this section.

14 D. Any pension subject to forfeiture under
15 Subsection B of Section 10-12B-17 NMSA 1978 shall not be
16 affected by the provisions of this section.

17 E. As used in this section:

18 (1) "corruption offense" means a felony
19 conviction for one of the following offenses:

20 (a) fraud, as provided in Section
21 30-16-6 NMSA 1978;

22 (b) embezzlement, as provided in Section
23 30-16-8 NMSA 1978;

24 (c) extortion, as provided in Section
25 30-16-9 NMSA 1978;

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- 1 (d) forgery, as provided in Section
2 30-16-10 NMSA 1978;
- 3 (e) paying or receiving public money for
4 services not rendered, as provided in Section 30-23-2 NMSA
5 1978;
- 6 (f) making or permitting false public
7 voucher, as provided in Section 30-23-3 NMSA 1978;
- 8 (g) unlawful interest in a public
9 contract, as provided in Section 30-23-6 NMSA 1978;
- 10 (h) bribery of public officer or public
11 employee, as provided in Section 30-24-1 NMSA 1978;
- 12 (i) demanding or receiving bribe by
13 public officer or public employee, as provided in Section
14 30-24-2 NMSA 1978;
- 15 (j) bribery or intimidation of a
16 witness, or retaliation against a witness, as provided in
17 Section 30-24-3 NMSA 1978;
- 18 (k) acceptance of a bribe by a witness,
19 as provided in Section 30-24-3.1 NMSA 1978;
- 20 (l) perjury, as provided in Section
21 30-25-1 NMSA 1978;
- 22 (m) tampering with public records, as
23 provided in Section 30-26-1 NMSA 1978;
- 24 (n) soliciting or receiving a kickback,
25 bribe or rebate, as provided in Section 30-41-1 NMSA 1978;

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1 (o) offering or paying a kickback, bribe
2 or rebate, as provided in Section 30-41-2 NMSA 1978;

3 (p) racketeering, as provided in the
4 Racketeering Act;

5 (q) a computer crime, as provided in the
6 Computer Crimes Act;

7 (r) money laundering, as provided in the
8 Money Laundering Act;

9 (s) a conviction under the Gift Act; the
10 Governmental Conduct Act; the Procurement Code; the Lobbyist
11 Regulation Act; the Financial Disclosure Act; the Voter Action
12 Act; or Chapter 1, Article 19 NMSA 1978, including the Campaign
13 Reporting Act; and

14 (t) conspiracy to commit any of the
15 offenses set forth in Subparagraphs (a) through (s) of this
16 paragraph, as provided in Section 30-28-2 NMSA 1978;

17 (2) "public office" means an office, election
18 to which is covered by the Campaign Reporting Act; and

19 (3) "public official" means a person elected
20 to an office in an election covered by the Campaign Reporting
21 Act or a person appointed to an office that is subject to an
22 election covered by that act."