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AB-1067 Public employees' retirement: felony convictions. (2025-2026)

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Assembly Bill No. 1067

CHAPTER 388

An act to add Section 7522.76 to the Government Code, relating to public employees' retirement.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, Quirk-Silva. Public employees' retirement: felony convictions.

Existing law, the California Public Employees' Pension Reform Act of 2013, requires a public employee who is convicted of any state or federal felony for conduct arising out of, or in the performance of, the public employee's official duties in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, to forfeit all accrued rights and benefits in any public retirement system from the earliest date of the commission of the felony to the date of conviction, and prohibits the public employee from accruing further benefits in that public retirement system. Existing law defines "public employee" for purposes of these provisions to mean an officer, including one who is elected or appointed, or an employee of a public employer.

Existing law also requires an elected public officer, who takes public office, or is reelected to public office, on or after January 1, 2006, and who is convicted during or after holding office of any felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of their official duties as an elected public officer, to forfeit all rights and benefits under, and membership in, any public retirement system in which they are a member, effective on the date of final conviction, as provided.

This bill would require a public employer that is investigating a public employee for misconduct arising out of or in the performance of, the public employee's official duties in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, to continue the investigation even if the public employee retires while under investigation, if the investigation indicates that the public employee may have committed a crime. The bill would require a public employer, if the investigation indicates that the public employee may have committed a crime, to refer the matter to the appropriate law enforcement agency, and would then authorize the public employer to close the investigation. Under the bill, if the public employee is convicted of a felony for any conduct described above, the public employee would forfeit all accrued rights and benefits in any public retirement system pursuant to the provisions governing forfeiture described above.

By imposing new duties on public employers who are local governmental entities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7522.76 is added to the Government Code, to read:

7522.76. (a) If a public employee, as defined in subdivision (h) of Section 7522.04, retires while under investigation by a public employer for misconduct arising out of or in the performance of the public employee's official duties, in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits, the public employer shall continue the investigation even after the employee retires if the public employer's investigation indicates that the public employee may have committed a crime.

(b) If the public employer's investigation indicates that a public employee may have committed a crime, the public employer shall refer the matter to the appropriate law enforcement agency and the public employer may then close the investigation. If the public employee is convicted of a felony for any conduct described in subdivision (a), the public employee shall forfeit all accrued rights and benefits in any public retirement system in which the employee is a member in accordance with Section 7522.70, 7522.72, or 7522.74, as applicable, effective on the date of the conviction.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.