

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES**PART III - EMPLOYEES****Subpart F - Labor-Management and Employee Relations****CHAPTER 73 - SUITABILITY, SECURITY, AND CONDUCT****SUBCHAPTER VII - MANDATORY REMOVAL FROM EMPLOYMENT OF
CONVICTED LAW ENFORCEMENT OFFICERS****§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies**

- (a) In this section, the term—
- (1) “conviction notice date” means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and
 - (2) “law enforcement officer” has the meaning given that term under section 8331 (20) or 8401 (17).
- (b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the last day of the first applicable pay period following the conviction notice date.
- (c)
- (1) This section does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected other than under this section.
 - (2) This section does not prohibit the employment of any individual in any position other than that of a law enforcement officer.
- (d) If the conviction is overturned on appeal, the removal shall be set aside retroactively to the date on which the removal occurred, with back pay under section 5596 for the period during which the removal was in effect, unless the removal was properly effected other than under this section.
- (e)
- (1) If removal is required under this section, the agency shall deliver written notice to the employee as soon as practicable, and not later than 5 calendar days after the conviction notice date. The notice shall include a description of the specific reasons for the removal, the date of removal, and the procedures made applicable under paragraph (2).
 - (2) The procedures under section 7513 (b)(2), (3), and (4), (c), (d), and (e) shall apply to any removal under this section. The employee may use the procedures to contest or appeal a removal, but only with respect to whether—
 - (A) the employee is a law enforcement officer;
 - (B) the employee was convicted of a felony; or
 - (C) the conviction was overturned on appeal.
 - (3) A removal required under this section shall occur on the date specified in subsection (b) regardless of whether the notice required under paragraph (1) of this subsection and the procedures made applicable under paragraph (2) of this subsection have been provided or completed by that date.

(Added Pub. L. 106–554, § 1(a)(3) [title VI, § 639(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–168.)

Effective Date

Pub. L. 106–554, § 1(a)(3) [title VI, § 639(c)], Dec. 21, 2000, 114 Stat. 2763, 2763A–168, provided that: “The amendments made by this section [enacting this subchapter] shall take effect 30 days after the date of enactment of this Act [Dec. 21, 2000] and shall apply to any conviction of a felony entered by a Federal or State court on or after that date.”