

1 SB213  
2 137288-3  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 07-FEB-12

1 SB213

2  
3  
4 ENROLLED, An Act,

5 To provide that any person who is a member of the  
6 Employees' Retirement System, the Teachers' Retirement System,  
7 or the Judicial Retirement Fund, either an active or inactive  
8 member who has an accrued retirement benefit or a retired  
9 member, under certain circumstances, shall forfeit the right  
10 to retirement benefits, and shall be entitled to a refund of  
11 his or her retirement contributions plus applicable interest  
12 upon a guilty plea, a plea of no contest, or a final  
13 conviction of a felony offense related to the person's public  
14 position; and a retired member receiving benefits shall have  
15 his or her benefits suspended and receive a partial refund of  
16 contributions and interest upon such a plea or a final  
17 conviction.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) On and after the effective date of  
20 this act, any person who is an active or inactive member of  
21 the Employees' Retirement System, the Teachers' Retirement  
22 System, or the Judicial Retirement Fund who has an accrued  
23 benefit shall forfeit retirement benefits upon a guilty plea,  
24 a plea of no contest, or a final conviction of a felony  
25 offense if that offense is related to or arises out of, or in

1 connection with, his or her service in that public position,  
2 as declared by the presiding judge of the court in a United  
3 States federal court, an Alabama court, or the court of any  
4 other state of the United States, and the person shall be  
5 entitled to a refund of his or her retirement contributions  
6 and applicable interest.

7 (b) A retired member receiving benefits, upon such a  
8 plea or conviction, shall have his or her retirement benefit  
9 suspended. In the event a retired member receiving benefits  
10 has not received retirement benefits exceeding the amount of  
11 his or her contributions and interest, he or she shall receive  
12 a refund of his or her remaining contributions and interest.

13 Section 2. Officers and employees of the Employees'  
14 Retirement System, the Teachers' Retirement System, and the  
15 Judicial Retirement Fund are immune from any civil or criminal  
16 liability for any action taken pursuant to this act.

17 Section 3. The provisions of this act are severable.  
18 If any part of this act is declared invalid or  
19 unconstitutional, that declaration shall not affect the part  
20 which remains.

21 Section 4. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB213

Senate 21-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

---

House of Representatives  
Passed: 08-MAY-12

---

By: Senator Orr