

1 SB108
2 125580-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 01-MAR-11

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8 SYNOPSIS: Currently, employees and officers of the
9 Teachers' Retirement System, the Employees'
10 Retirement System, and the Judicial Retirement Fund
11 who are convicted of a felony offense may continue
12 to receive their public retirement benefits.

13 This bill would provide that such persons
14 would forfeit the employer-paid portion and the
15 interest or gains on the employer-paid portion of
16 his or her retirement benefits upon a guilty plea,
17 a plea of no contest, or a final conviction of a
18 felony offense related to the performance of his or
19 her duties of office in Alabama, in a court of this
20 state or any other state of the United States, or
21 in a United States federal court.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 To provide that any person who is a member of the
2 Employees' Retirement System, the Teachers' Retirement System,
3 or the Judicial Retirement Fund, either an active or inactive
4 member who has an accrued retirement benefit or a retired
5 member, shall forfeit the employer-paid portion and the
6 interest or gains on the employer-paid portion of his or her
7 retirement benefits upon a guilty plea, a plea of no contest,
8 or a final conviction of a felony offense related to the
9 person's performance of his or her official duties in a court
10 of this state or any other state of the United States or in a
11 United States federal court.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. On and after the effective date of this
14 act, any person who is an active or inactive member who has an
15 accrued retirement benefit or a retired member of the
16 Employees' Retirement System, the Teachers' Retirement System,
17 or the Judicial Retirement Fund shall forfeit any retirement
18 benefits that are based on the employer-paid portion and
19 interest and gains earned or accumulated on the employer-paid
20 portion of his or her retirement contributions upon a guilty
21 plea, a plea of no contest, or a final conviction of a felony
22 offense related to the performance of the duties of any public
23 office as declared by the presiding judge of the court in a
24 United States federal court, an Alabama court, or the court of
25 any other state of the United States.

26 Section 2. Officers and employees of the Employees'
27 Retirement System, the Teachers' Retirement System, and the

1 Judicial Retirement Fund are immune from any civil or criminal
2 liability for any action taken pursuant to this act.

3 Section 3. The provisions of this act are severable.
4 If any part of this act is declared invalid or
5 unconstitutional, that declaration shall not affect the part
6 which remains.

7 Section 4. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.