

1 HB428
2 137988-1
3 By Representative Chesteen
4 RFD: State Government
5 First Read: 28-FEB-12

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

13 This bill would provide that under certain
14 circumstances such persons would forfeit retirement
15 benefits, and be entitled to a refund of his or her
16 retirement contributions plus applicable interest,
17 upon a guilty plea, a plea of no contest, or a
18 final conviction of a felony offense related to the
19 person's public position in Alabama.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 To provide that any person who is a member of the
26 Employees' Retirement System, the Teachers' Retirement System,
27 or the Judicial Retirement Fund, either an active or inactive

1 member who has an accrued retirement benefit or a retired
2 member, under certain circumstances, shall forfeit the right
3 to retirement benefits, and shall be entitled to a refund of
4 his or her retirement contributions plus applicable interest
5 upon a guilty plea, a plea of no contest, or a final
6 conviction of a felony offense related to the person's public
7 position; and a retired member receiving benefits shall have
8 his or her benefits suspended and receive a partial refund of
9 contributions and interest upon such a plea or a final
10 conviction.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) On and after the effective date of
13 this act, any person who is an active or inactive member of
14 the Employees' Retirement System, the Teachers' Retirement
15 System, or the Judicial Retirement Fund who has an accrued
16 benefit shall forfeit retirement benefits upon a guilty plea,
17 a plea of no contest, or a final conviction of a felony
18 offense if that offense is related to or arises out of, or in
19 connection with, his or her service in that public position,
20 as declared by the presiding judge of the court in a United
21 States federal court, an Alabama court, or the court of any
22 other state of the United States, and the person shall be
23 entitled to a refund of his or her retirement contributions
24 and applicable interest.

25 (b) A retired member receiving benefits, upon such a
26 plea or conviction, shall have his or her retirement benefit
27 suspended. In the event a retired member receiving benefits

1 has not received retirement benefits exceeding the amount of
2 his or her contributions and interest, he or she shall receive
3 a refund of his or her remaining contributions and interest.

4 Section 2. Officers and employees of the Employees'
5 Retirement System, the Teachers' Retirement System, and the
6 Judicial Retirement Fund are immune from any civil or criminal
7 liability for any action taken pursuant to this act.

8 Section 3. The provisions of this act are severable.
9 If any part of this act is declared invalid or
10 unconstitutional, that declaration shall not affect the part
11 which remains.

12 Section 4. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.