

1 HB334
2 127477-1
3 By Representative Hubbard (J)
4 RFD: State Government
5 First Read: 24-MAR-11

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 require that such persons
14 would forfeit to the employer the employer-paid
15 portion and the interest or gains on the
16 employer-paid portion of his or her retirement
17 benefits upon a guilty plea, a plea of no contest,
18 or a final conviction of a felony offense related
19 to the performance of his or her duties of office,
20 in a court of this state or any other state of the
21 United States, or in a United States federal court.
22 This bill would provide that forfeited benefits be
23 applied to reimburse for damages caused by the
24 employee's illicit action, with any actual damages
25 to be applied by the employer at the employer's
26 discretion.

A BILL

TO BE ENTITLED

AN ACT

To require that any person who is a member of the Employees' Retirement System, the Teachers' Retirement System, or the Judicial Retirement Fund, either an active or inactive member who has an accrued retirement benefit or a retired member, to forfeit to the employer the employer-paid portion and the interest or gains on the employer-paid portion of his or her retirement benefits upon a guilty plea, a plea of no contest, or a final conviction of a felony offense related to the person's performance of his or her official duties in a court of this state or any other state of the United States or in a United States federal court; and to provide that forfeited benefit amounts be used to reimburse damages covered by the employee's illicit action, with any amounts exceeding actual damages to be applied by the employer as determined by the employer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. On and after the effective date of this act, any person who is an active or inactive member who has an accrued retirement benefit or a retired member of the Employees' Retirement System, the Teachers' Retirement System, or the Judicial Retirement Fund shall forfeit to the employer any retirement benefits that are based on the employer-paid portion and interest and gains earned or accumulated on the

employer-paid portion of his or her retirement contributions upon a guilty plea, a plea of no contest, or a final conviction of a felony offense related to the performance of the duties of any public office as declared by the presiding judge of the court in a United States federal court, an Alabama court, or the court of any other state of the United States. The forfeited benefits shall be applied as reimbursement for damages caused by the employee's illicit actions, with any forfeited benefits exceeding actual damages sustained by the employer to be applied by the employer at the employer's discretion.

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

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

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