

**SB58 ENROLLED**



1 SB58  
2 NR6CGJ8-3  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 13-Jan-26



**SB58 Enrolled**

1 Enrolled, An Act,

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4 Relating to public corruption convictions; to amend  
5 Section 36-27D-1, Code of Alabama 1975, to use retirement  
6 contributions made by a public servant found guilty of a  
7 criminal offense involving his or her government position to  
8 be used for restitution; to require a public servant to pay  
9 back compensation received while on leave with pay in certain  
10 circumstances; and to make nonsubstantive, technical revisions  
11 to update the existing code language to current style.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 36-27D-1, Code of Alabama 1975, is  
14 amended to read as follows:

15 "§36-27D-1

16 (a) ~~On and after May 15, 2012, any~~An individual who is  
17 an active or inactive member of the Employees' Retirement  
18 System, the Teachers' Retirement System, ~~or~~ the Judicial  
19 Retirement Fund, or any other retirement plan administered by  
20 the Retirement Systems of Alabama who has an accrued benefit  
21 shall forfeit retirement benefits upon a guilty plea, a plea  
22 of no contest, or a final judgment by the trial court of ~~a~~ any  
23 of the following:

24 (1) Any felony offense if that offense is related to or  
25 arises out of, or in connection with, ~~his or her~~ the  
26 individual's service in that public position, ~~and the~~  
27 ~~individual shall be entitled to a refund of his or her~~  
28 ~~retirement contributions and applicable interest.~~



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29 ~~(b) On and after July 1, 2024, any individual who is an~~  
30 ~~active or inactive member of the Employees' Retirement System,~~  
31 ~~the Teachers' Retirement System, or the Judicial Retirement~~  
32 ~~Fund who has an accrued benefit shall forfeit retirement~~  
33 ~~benefits upon a guilty plea, a plea of no contest, or a final~~  
34 ~~judgment by the trial court of any~~

35 (2) Any offense set forth in Article 4A of Chapter 6 or  
36 Division 4 of Article 4 of Chapter 12 of Title 13A, ~~and the~~  
37 ~~individual shall be entitled to a refund of his or her~~

38 (b) The retirement contributions and applicable  
39 interest forfeited pursuant to subsection (a) shall be used to  
40 pay restitution to the public agency, institution, or other  
41 entity harmed by the felony offense, if applicable, with any  
42 remaining balance refunded to the individual.

43 (c) A retired member receiving benefits, upon a plea or  
44 judgment set forth in subsection (a) ~~or (b)~~, shall have his or  
45 her retirement benefit suspended. ~~In the event~~ If a retired  
46 member receiving benefits has not received retirement benefits  
47 exceeding the amount of his or her contributions and interest,  
48 ~~he or she shall receive a refund of his or her~~ the remaining  
49 contributions and interest of the retired member shall be used  
50 to pay restitution to the public agency, institution, or other  
51 entity harmed by the felony offense, if applicable, with any  
52 remaining balance refunded to the retired member.

53 (d) Upon conviction of a crime ~~as described in~~  
54 subsection (a) ~~or (b)~~, the ~~trial court~~ prosecutor shall  
55 promptly provide written notice of the conviction to: (i) the  
56 Board of Control of the Employees' Retirement System, the



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57 Board of Control of the Teachers' Retirement System, ~~or~~ the  
58 Judicial Retirement Fund, or other retirement plan funded from  
59 public funds, or any combination thereof, as applicable; or  
60 (ii) if the convicted individual held a supernumerary  
61 position, the state or a county, as applicable. Any failure by  
62 the ~~convicting court~~ prosecutor to provide notice pursuant to  
63 this subsection shall not affect or delay any forfeiture  
64 provision or requirement to pay restitution set forth in this  
65 section.

66 (e) Officers and employees of the Employees' Retirement  
67 System, the Teachers' Retirement System, and the Judicial  
68 Retirement Fund are immune from any civil or criminal  
69 liability for any action taken pursuant to this section.

70 (f) The remedies provided in this section are not  
71 exclusive and do not preclude any other available remedy at  
72 law."

73 Section 2. (a) (1) Any public official or employee of  
74 the state or a political subdivision thereof who is under any  
75 investigation for committing a felony offense related to or  
76 arising out of, or in connection with, the public official's  
77 or employee's service in his or her public position may use,  
78 if otherwise authorized by law, public funds to defend himself  
79 or herself unless and until the public official or employee is  
80 indicted for that felony offense.

81 (2) If the public official or employee is indicted for  
82 the felony offense, the public official or employee may not  
83 use any public funds to pay for his or her legal defense.

84 (b) Any public official or employee described in



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85 subsection (a) who is placed on leave with pay while under  
86 investigation, upon conviction for that felony offense, shall  
87 be required to pay back all compensation received since the  
88 commission of the felony offense.

89 Section 3. This act shall become effective on October  
90 1, 2026.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB58

Senate 03-Feb-26

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

Patrick Harris,  
Secretary.

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House of Representatives

Passed: 19-Mar-26

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By: Senator Orr