HB428

137988-1

By Representative Chesteen

RFD: State Government

First Read: 28-FEB-12
SYNOPSIS: Currently, members of the Teachers' Retirement System, the Employees' Retirement System, and the Judicial Retirement Fund who are convicted of a felony offense may continue to receive their public retirement benefits.

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

A BILL
TO BE ENTITLED
AN ACT

To provide 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, under certain circumstances, shall forfeit the right
to retirement benefits, and shall be entitled to a refund of
his or her retirement contributions plus applicable interest
upon a guilty plea, a plea of no contest, or a final
conviction of a felony offense related to the person's public
position; and a retired member receiving benefits shall have
his or her benefits suspended and receive a partial refund of
contributions and interest upon such a plea or a final
conviction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) On and after the effective date of
this act, any person who is an active or inactive member of
the Employees' Retirement System, the Teachers' Retirement
System, or the Judicial Retirement Fund who has an accrued
benefit shall forfeit retirement benefits upon a guilty plea,
a plea of no contest, or a final conviction of a felony
offense if that offense is related to or arises out of, or in
connection with, his or her service in that public position,
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, and the person shall be
entitled to a refund of his or her retirement contributions
and applicable interest.

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

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.