SB214

133099-1

By Senators Orr, Taylor, Ward and Fielding

RFD: Finance and Taxation General Fund

First Read: 07-FEB-12
SYNOPSIS: Currently, employees and officers 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 such persons would forfeit 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 performance of his or her duties of office in Alabama, in a court of this state or any other state of the United States, or in a United States federal court.

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, shall forfeit 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.

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 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.

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.