

1 SB213
2 134956-1
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 07-FEB-12

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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 provide that such persons
14 would forfeit the employer-paid portion and the
15 interest or gains on the employer-paid portion of
16 his or her retirement benefits upon a guilty plea,
17 a plea of no contest, or a final conviction of a
18 felony offense related to the performance of his or
19 her duties of office in Alabama, whether or not the
20 retirement benefit is based upon service in the
21 office, in a court of this state or any other state
22 of the United States, or in a United States federal
23 court.

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25 A BILL
26 TO BE ENTITLED

1 AN ACT

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3 To provide that any person who is a member of the
4 Employees' Retirement System, the Teachers' Retirement System,
5 or the Judicial Retirement Fund, either an active or inactive
6 member who has an accrued retirement benefit or a retired
7 member, shall forfeit the employer-paid portion and the
8 interest or gains on the employer-paid portion of his or her
9 retirement benefits upon a guilty plea, a plea of no contest,
10 or a final conviction of a felony offense related to the
11 person's performance of his or her official duties of any
12 public office, whether or not the retirement benefit is based
13 upon service in the office, in a court of this state or any
14 other state of the United States or in a United States federal
15 court.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. On and after the effective date of this
18 act, any person who is an active or inactive member who has an
19 accrued retirement benefit or a retired member of the
20 Employees' Retirement System, the Teachers' Retirement System,
21 or the Judicial Retirement Fund shall forfeit any retirement
22 benefits that are based on the employer-paid portion and
23 interest and gains earned or accumulated on the employer-paid
24 portion of his or her retirement contributions upon a guilty
25 plea, a plea of no contest, or a final conviction of a felony
26 offense related to the performance of the duties of any public

1 office, whether or not the retirement benefit is based upon
2 service in the office, as declared by the presiding judge of
3 the court in a United States federal court, an Alabama court,
4 or the court of any other state of the United States.

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

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

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