

1 SB214  
2 133099-1  
3 By Senators Orr, Taylor, Ward and Fielding  
4 RFD: Finance and Taxation General Fund  
5 First Read: 07-FEB-12

2  
3  
4  
5  
6  
7  
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, in a court of this  
20 state or any other state of the United States, or  
21 in a United States federal court.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To provide that any person who is a member of the  
2 Employees' Retirement System, the Teachers' Retirement System,  
3 or the Judicial Retirement Fund, either an active or inactive  
4 member who has an accrued retirement benefit or a retired  
5 member, shall forfeit the employer-paid portion and the  
6 interest or gains on the employer-paid portion of his or her  
7 retirement benefits upon a guilty plea, a plea of no contest,  
8 or a final conviction of a felony offense related to the  
9 person's performance of his or her official duties in a court  
10 of this state or any other state of the United States or in a  
11 United States federal court.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26           Section 2. Officers and employees of the Employees'  
27 Retirement System, the Teachers' Retirement System, and the

1       Judicial Retirement Fund are immune from any civil or criminal  
2       liability for any action taken pursuant to this act.

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

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