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SYNOPSIS:

Under existing law, a member of a state retirement system who is convicted of a felony offense relating to or arising out of his or her public service or public position forfeits his or her retirement benefits.

This bill would provide for the forfeiture of retirement benefits of teachers and school employees who are convicted of certain sex offenses involving a student or minor.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes committed by school employees; to amend Section 36-27D-1, Code of Alabama 1975, to terminate the right to state retirement benefits for teachers and school employees convicted of certain sex offenses involving a student or minor; and to provide further for the forfeiture process.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



29 "§36-27D-1

30 (a) On and after May 15, 2012, any ~~person~~ individual
31 who is an active or inactive member of the Employees'
32 Retirement System, the Teachers' Retirement System, or the
33 Judicial Retirement Fund who has an accrued benefit shall
34 forfeit retirement benefits upon a guilty plea, a plea of no
35 contest, or a final ~~conviction~~ judgment by the trial court of
36 a felony offense if that offense is related to or arises out
37 of, or in connection with, his or her service in that public
38 position, ~~as declared by the presiding judge of the court in a~~
39 ~~United States federal court, an Alabama court, or the court of~~
40 ~~any other state of the United States,~~ and the ~~person~~
41 individual shall be entitled to a refund of his or her
42 retirement contributions and applicable interest.

43 (b) On and after July 1, 2024, any individual who is an
44 active or inactive member of the Employees' Retirement System,
45 the Teachers' Retirement System, or the Judicial Retirement
46 Fund who has an accrued benefit shall forfeit retirement
47 benefits upon a guilty plea, a plea of no contest, or a final
48 judgment by the trial court of any offense set forth in
49 Article 4A of Chapter 6 or Division 4 of Article 4 of Chapter
50 12 of Title 13A, and the individual shall be entitled to a
51 refund of his or her retirement contributions and applicable
52 interest.

53 ~~(b)~~ (c) A retired member receiving benefits, upon ~~such~~ a
54 plea or ~~conviction~~ judgment set forth in subsection (a) or (b),
55 shall have his or her retirement benefit suspended. In the
56 event a retired member receiving benefits has not received



57 retirement benefits exceeding the amount of his or her
58 contributions and interest, he or she shall receive a refund
59 of his or her remaining contributions and interest.

60 (d) Upon conviction of a crime as described in
61 subsection (a) or (b), the trial court shall promptly provide
62 written notice of the conviction to the Board of Control of
63 the Employees' Retirement System, the Board of Control of the
64 Teachers' Retirement System, or the Judicial Retirement Fund,
65 or any combination thereof, as applicable. Any failure by the
66 convicting court to provide notice pursuant to this subsection
67 shall not affect or delay any forfeiture provision set forth
68 in this section.

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

73 Section 2. This act shall become effective on July 1,
74 2024.