## SB244 ENGROSSED



- 1 SB244
- 2 BYY9PJQ-2
- 3 By Senators Melson, Orr
- 4 RFD: Judiciary
- 5 First Read: 18-Mar-25

## SB244 Engrossed

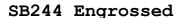


1	
2	
3	
4	
5	A BILL
6	TO BE ENTITLED
7	AN ACT
8	
9	Relating to crimes and offenses; to add Section
10	13A-8-2.2 to the Code of Alabama 1975, to establish the crime
11	of aggravated theft of employee retirement benefits; and to
12	provide a criminal penalty for a violation.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 13A-8-2.2 is added to the Code of
15	Alabama 1975, to read as follows:
16	\$13A-8-2.2
17	(a)(1) A person commits the crime of aggravated theft
18	of employee retirement benefits if the person embezzles,
19	steals, or unlawfully and willfully abstracts or converts to
20	his or her own use or to the use of another, any of the
21	monies, funds, premiums, credits, or other assets due to be
22	paid as contributions to any employee retirement benefit plan
23	or to any fund connected with an employee retirement benefit
24	plan.
25	(2) For the purposes of this section, the term
26	"employee retirement benefit plan" includes, but is not
27	limited to, any plan under the Retirement Systems of Alabama
28	including the Teachers' Retirement System, the Employees'

## SB244 Engrossed



- 29 Retirement System, and the Judicial Retirement Fund, and any
- 30 plan established under Chapter 27A or Chapter 27C of Title 36.
- 31 (b) It is an affirmative defense to a prosecution under
- 32 this section if an individual, in the course of his or her
- 33 employment, acts in good faith reliance upon the direction or
- 34 supervision of another under color of law or in a position of
- 35 authority.
- 36 (c) The limitations period for any prosecution under
- 37 this section does not commence or begin to accrue until the
- 38 discovery of the facts constituting the deception, after which
- 39 the prosecution shall be commenced within six years.
- 40 (d) Aggravated theft of employee retirement benefits is
- 41 a Class C felony.
- 42 (e) Notwithstanding any other law, the maximum
- 43 probation period shall not exceed 10 years unless otherwise
- 44 authorized by law.
- 45 (f) A conviction for aggravated theft of employee
- 46 retirement benefits shall be treated as a Class A or Class B
- felony for purposes of Section 15-18-8.
- 48 Section 2. This act shall become effective on October
- 49 1, 2025.





Senate to the Senate committee on Judiciary on the calendar: 0 amendments Read for the third time and passed ......15-Apr-25 as amended Yeas 30 Nays 0 Abstains 0 Patrick Harris, Secretary.