

**SB244 ENGROSSED**



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



**SB244 Engrossed**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to crimes and offenses; to add Section 13A-8-2.2 to the Code of Alabama 1975, to establish the crime of aggravated theft of employee retirement benefits; and to provide a criminal penalty for a violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-8-2.2 is added to the Code of Alabama 1975, to read as follows:

§13A-8-2.2

(a) (1) A person commits the crime of aggravated theft of employee retirement benefits if the person embezzles, steals, or unlawfully and willfully abstracts or converts to his or her own use or to the use of another, any of the monies, funds, premiums, credits, or other assets due to be paid as contributions to any employee retirement benefit plan, or to any fund connected with an employee retirement benefit plan.

(2) For the purposes of this section, the term "employee retirement benefit plan" includes, but is not limited to, any plan under the Retirement Systems of Alabama including the Teachers' Retirement System, the Employees'



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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  
47 felony for purposes of Section 15-18-8.

48 Section 2. This act shall become effective on October  
49 1, 2025.

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51  
52 Senate

53 Read for the first time and referred .....18-Mar-25  
54 to the Senate committee on Judiciary  
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56 Read for the second time and placed .....03-Apr-25  
57 on the calendar:  
58 0 amendments  
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60 Read for the third time and passed .....15-Apr-25  
61 as amended  
62 Yeas 30  
63 Nays 0  
64 Abstains 0  
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Patrick Harris,  
Secretary.

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