

SB244 ENROLLED



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



SB244 Enrolled

1 Enrolled, An Act,

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3
4 Relating to crimes and offenses; to add Section
5 13A-8-2.2 to the Code of Alabama 1975, to establish the crime
6 of aggravated theft of employee retirement benefits; and to
7 provide a criminal penalty for a violation.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 §13A-8-2.2

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

20 (2) For the purposes of this section, the term
21 "employee retirement benefit plan" includes, but is not
22 limited to, any plan under the Retirement Systems of Alabama
23 including the Teachers' Retirement System, the Employees'
24 Retirement System, and the Judicial Retirement Fund, and any
25 plan established under Chapter 27A or Chapter 27C of Title 36.

26 (b) It is an affirmative defense to a prosecution under
27 this section if an individual, in the course of his or her
28 employment, acts in good faith reliance upon the direction or



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29 supervision of another under color of law or in a position of
30 authority.

31 (c) The limitations period for any prosecution under
32 this section does not commence or begin to accrue until the
33 discovery of the facts constituting the deception, after which
34 the prosecution shall be commenced within six years.

35 (d) Aggravated theft of employee retirement benefits is
36 a Class C felony.

37 (e) Notwithstanding any other law, the maximum
38 probation period shall not exceed 10 years unless otherwise
39 authorized by law.

40 (f) A conviction for aggravated theft of employee
41 retirement benefits shall be treated as a Class A or Class B
42 felony for purposes of Section 15-18-8.

43 Section 2. This act shall become effective on October
44 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 15-Apr-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 07-May-25

By: Senator Melson