

SB244 INTRODUCED



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



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SYNOPSIS:

This bill would create the offense of aggravated theft of employee retirement benefits and would establish penalties for violations.

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



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29 plan.

30 (2) For the purposes of this section, the term
31 "employee retirement benefit plan" includes, but is not
32 limited to, any plan under the Retirement Systems of Alabama
33 including the Teachers' Retirement System, the Employees'
34 Retirement System, and the Judicial Retirement Fund, and any
35 plan established under Chapter 27A or Chapter 27C of Title 36.

36 (b) 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 (c) Aggravated theft of employee retirement benefits is
41 a Class C felony.

42 (d) Notwithstanding any other law, the maximum
43 probation period shall not exceed 10 years unless otherwise
44 authorized by law.

45 (e) 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.