

1 HB224
2 127477-1
3 By Representative Hubbard (J)
4 RFD: State Government
5 First Read: 08-FEB-12

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8 SYNOPSIS: Currently, employees and officers of the
9 Teachers' Retirement System, the Employees'
10 Retirement System, and the Judicial Retirement Fund
11 who are convicted of a felony offense may continue
12 to receive their public retirement benefits.

13 This bill would require that such persons
14 would forfeit to the employer the employer-paid
15 portion and the interest or gains on the
16 employer-paid portion of his or her retirement
17 benefits upon a guilty plea, a plea of no contest,
18 or a final conviction of a felony offense related
19 to the performance of his or her duties of office,
20 in a court of this state or any other state of the
21 United States, or in a United States federal court.
22 This bill would provide that forfeited benefits be
23 applied to reimburse for damages caused by the
24 employee's illicit action, with any actual damages
25 to be applied by the employer at the employer's
26 discretion.
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1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 To require that any person who is a member of the
6 Employees' Retirement System, the Teachers' Retirement System,
7 or the Judicial Retirement Fund, either an active or inactive
8 member who has an accrued retirement benefit or a retired
9 member, to forfeit to the employer the employer-paid portion
10 and the interest or gains on the employer-paid portion of his
11 or her retirement benefits upon a guilty plea, a plea of no
12 contest, or a final conviction of a felony offense related to
13 the person's performance of his or her official duties in a
14 court of this state or any other state of the United States or
15 in a United States federal court; and to provide that
16 forfeited benefit amounts be used to reimburse damages covered
17 by the employee's illicit action, with any amounts exceeding
18 actual damages to be applied by the employer as determined by
19 the employer.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. On and after the effective date of this
22 act, any person who is an active or inactive member who has an
23 accrued retirement benefit or a retired member of the
24 Employees' Retirement System, the Teachers' Retirement System,
25 or the Judicial Retirement Fund shall forfeit to the employer
26 any retirement benefits that are based on the employer-paid
27 portion and interest and gains earned or accumulated on the

1 employer-paid portion of his or her retirement contributions
2 upon a guilty plea, a plea of no contest, or a final
3 conviction of a felony offense related to the performance of
4 the duties of any public office as declared by the presiding
5 judge of the court in a United States federal court, an
6 Alabama court, or the court of any other state of the United
7 States. The forfeited benefits shall be applied as
8 reimbursement for damages caused by the employee's illicit
9 actions, with any forfeited benefits exceeding actual damages
10 sustained by the employer to be applied by the employer at the
11 employer's discretion.

12 Section 2. Officers and employees of the Employees'
13 Retirement System, the Teachers' Retirement System, and the
14 Judicial Retirement Fund are immune from any civil or criminal
15 liability for any action taken pursuant to this act.

16 Section 3. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

20 Section 4. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.