

HOUSE BILL 1494

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 49, relative to forfeiture of retirement benefits for certain misdemeanor convictions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-918(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) Notwithstanding § 8-35-124 or any other law to the contrary, a teacher who is convicted in any state or federal court of a misdemeanor sexual offense arising out of that teacher's employment or official capacity shall forfeit that teacher's retirement benefits under any plan within the Tennessee consolidated retirement system, any superseded retirement system, any local retirement fund, or any other public pension system.

SECTION 2. Tennessee Code Annotated, Section 8-36-918(b)(1), is amended by deleting the language "under the defined benefit component of the plan" and substituting instead the language "under the defined benefit component of the plan or under any other public pension plan, as applicable".

SECTION 3. Tennessee Code Annotated, Section 8-36-918(c), is amended by deleting the language "retirement system" and substituting instead the language "retirement system or other public pension system, as applicable,".

SECTION 4. Tennessee Code Annotated, Section 8-36-918(e), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) Any teacher convicted of a misdemeanor sexual offense as provided in subdivision (a)(2) may elect, within six (6) months of the teacher's conviction, to have a monthly retirement allowance paid to whomever that teacher had designated as beneficiary on file with the Tennessee consolidated retirement system or other public pension system at the time of that teacher's conviction; provided, that the beneficiary must have been that teacher's spouse or child at the time of that teacher's conviction. The amount of any allowance payable under this subdivision (e)(2) shall be equal to the retirement allowance which would have been payable under the applicable plan had the teacher retired under an effective election of Option 1 as provided in part 6 of this chapter, in the case of the defined benefit component of the plan within the Tennessee consolidated retirement system, or under another survivorship option elected by the teacher. The benefits shall be paid to the beneficiary following the teacher's death and upon meeting all other eligibility requirements applicable to a beneficiary.

SECTION 5. Tennessee Code Annotated, Section 8-36-918, is further amended by adding the following new subsection:

(f) Subdivision (a)(1) applies only to employees, officials, and teachers who become members of the defined benefit component of the plan within the Tennessee consolidated retirement system on or after July 1, 2014. Subdivision (a)(2) applies only to teachers who become members of the Tennessee consolidated retirement system, any superseded retirement system, any local retirement fund, or any other public pension system on or after July 1, 2016.

SECTION 6. This act shall take effect July 1, 2016, the public welfare requiring it.