

1 SB213
2 137288-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 07-FEB-12

1 SB213

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To provide that any person who is a member of the
12 Employees' Retirement System, the Teachers' Retirement System,
13 or the Judicial Retirement Fund, either an active or inactive
14 member who has an accrued retirement benefit or a retired
15 member, under certain circumstances, shall forfeit the right
16 to retirement benefits, and shall be entitled to a refund of
17 his or her retirement contributions plus applicable interest
18 upon a guilty plea, a plea of no contest, or a final
19 conviction of a felony offense related to the person's public
20 position; and a retired member receiving benefits shall have
21 his or her benefits suspended and receive a partial refund of
22 contributions and interest upon such a plea or a final
23 conviction.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) On and after the effective date of
26 this act, any person who is an active or inactive member of

1 the Employees' Retirement System, the Teachers' Retirement
2 System, or the Judicial Retirement Fund who has an accrued
3 benefit shall forfeit retirement benefits upon a guilty plea,
4 a plea of no contest, or a final conviction of a felony
5 offense if that offense is related to or arises out of, or in
6 connection with, his or her service in that public position,
7 as declared by the presiding judge of the court in a United
8 States federal court, an Alabama court, or the court of any
9 other state of the United States, and the person shall be
10 entitled to a refund of his or her retirement contributions
11 and applicable interest.

12 (b) A retired member receiving benefits, upon such a
13 plea or conviction, shall have his or her retirement benefit
14 suspended. In the event a retired member receiving benefits
15 has not received retirement benefits exceeding the amount of
16 his or her contributions and interest, he or she shall receive
17 a refund of his or her remaining contributions and interest.

18 Section 2. Officers and employees of the Employees'
19 Retirement System, the Teachers' Retirement System, and the
20 Judicial Retirement Fund are immune from any civil or criminal
21 liability for any action taken pursuant to this act.

22 Section 3. The provisions of this act are severable.
23 If any part of this act is declared invalid or
24 unconstitutional, that declaration shall not affect the part
25 which remains.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Finance and Taxation General Fund ...	07-FEB-12
Read for the second time and placed on the calendar.....	08-FEB-12
Read for the third time and passed as amended	21-FEB-12

Yeas 22
Nays 0

Patrick Harris
Secretary