

Regular Session, 2010

HOUSE BILL NO. 224

BY REPRESENTATIVE PEARSON

RETIREMENT BENEFITS: Requires suspension of public retirement benefits during incarceration

1 AN ACT

2 To amend and reenact the heading of Subpart L of Part II of Chapter 4 of Subtitle I of Title
3 11 of the Louisiana Revised Statutes of 1950, R.S. 11:570, 951.3, 952.3, 1378,
4 1735(A), 1905, 3014, 3051, 3111, 3140, 3198, 3229, 3321(A), 3345, 3389, 3408,
5 3440, 3470, 3513, 3608(A), 3691, 3770, 3800, and 3823, and R.S. 13:3881(D)(1) and
6 to enact R.S. 11:293, relative to public retirement benefits; to provide relative to
7 incarcerated persons who are members, former members, or retirees of public
8 retirement systems; to require the suspension of retirement benefits by such persons
9 during the period of incarceration; to provide for repayment of benefits already
10 received by such persons; to require certain entities to report to public retirement
11 systems information pertaining to such persons who are incarcerated; to provide an
12 effective date; and to provide for related matters.

13 Notice of intention to introduce this Act has been published
14 as provided by Article X, Section 29(C) of the Constitution
15 of Louisiana.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. The heading of Subpart L of Part II of Chapter 4 of Subtitle I of Title 11
18 of the Louisiana Revised Statutes of 1950, R.S. 11:570, 951.3, 952.3, 1378, 1735(A), 1905,
19 3014, 3051, 3111, 3140, 3198, 3229, 3321(A), 3345, 3389, 3408, 3440, 3470, 3513,
20 3608(A), 3691, 3770, 3800, and 3823 are hereby amended and reenacted and R.S. 11:293
21 is hereby enacted to read as follows:

1 SUBPART L. APPLICABILITY OF CERTAIN ~~COURT ORDERS~~

2 LEGAL DETERMINATIONS

3 * * *

4 §293. Suspension of retirement benefits; incarceration

5 A. As used in this Section, the following words or phrases shall have the
6 following meanings:

7 (1) "Crime" shall mean a criminal offense committed on or after the effective
8 date of this Section pursuant to conviction of a crime.

9 (2) "Incarceration" or "incarcerated" shall mean physically incarcerated in
10 a correctional facility.

11 (3) "Public retirement system" means any state, statewide, or local public
12 retirement system, plan, or fund.

13 (4) "Public servant" means a public employee or an elected official as
14 defined in R.S. 42:1102, whether a member, former member, or retiree under the
15 provisions of any public retirement system.

16 B. No monthly retirement benefit or lump-sum payment of any kind shall be
17 payable by a public retirement system to a public servant for any period of time
18 during which he is incarcerated.

19 C.(1) A parish prosecutor shall inform, in writing, the secretary of the
20 Department of Public Safety and Corrections, or the sheriff if incarceration is in a
21 parish jail, when a conviction for a crime is entered against a person whom the
22 prosecutor knows or has reason to believe is a member of a public retirement system
23 and has been sentenced to incarceration under the supervision of the secretary or
24 sheriff. The secretary or sheriff shall compile such information and transmit it to the
25 appropriate public retirement system. The board of trustees of the retirement system
26 shall determine if such conviction and incarceration pursuant thereto applies to any
27 of its members, former members, or retirees.

28 (2) The secretary of state, upon being notified by a United States attorney of
29 a conviction for a federal crime, shall promptly transmit electronically to each public

1 retirement system information pertaining to such conviction if such conviction
2 resulted in incarceration. The board of trustees of the retirement system shall
3 determine if such conviction and incarceration pursuant thereto applies to any of its
4 members, former members, or retirees.

5 (3) Upon a determination by the board of trustees of a public retirement
6 system that a conviction for a crime and incarceration pursuant thereto applies to one
7 of its members, former members, or retirees, the system shall suspend such person's
8 monthly benefit for each full month of his incarceration period beginning with the
9 first day of the first full month of his incarceration. Additionally, any lump-sum
10 payments otherwise payable to such person shall not be payable during his
11 incarceration period. Upon release of such person from incarceration he may apply
12 to have his monthly benefits or his right to any lump-sum payment resumed.
13 Monthly payments shall be payable beginning with the first day of the first full
14 month following receipt and approval of his application by the retirement system.

15 D. Notwithstanding the provisions of Subsection B of this Section, an
16 incarcerated public servant whose spouse or children are his designated beneficiaries,
17 made pursuant to an optional allowance, shall be considered deceased for purposes
18 of his retirement benefits, and the amount payable to his spouse or children were he
19 deceased shall be payable during the period of his incarceration based upon the
20 option selected at the time of retirement, but in no case shall the amount payable to
21 the spouse or children exceed the benefit that would be payable to the public servant.
22 Upon release of the public servant from incarceration, he may apply to have his
23 monthly benefits resumed. Monthly benefits shall be payable beginning with the
24 first day of the first full month following receipt of his application. If the benefit
25 payable to his spouse or children upon his death would be the balance of the present
26 value of his annuity and the beneficiary spouse or children elect to have such balance
27 payable to them, the payment of such balance shall discharge the system of all
28 liability to the public servant.

1 E. Any person subject to suspension of retirement benefits under this Section
 2 who has received retirement benefits in excess of the benefits permitted in
 3 Subsection B of this Section shall repay the retirement system the amount of the
 4 excess benefits plus interest. If such person fails to pay back such amount, the
 5 system may bring an action in civil court to recover such amount plus court costs and
 6 legal interest from the date of suspension.

7 E. The provisions of Subsection B of this Section shall not apply to any
 8 defined contribution plan.

9 G. The provisions of this Section shall supersede any provision of law
 10 exempting public retirement benefits from garnishment, attachment, seizure, or other
 11 process.

12 H. In the event of an acquittal or final discharge without conviction of any
 13 public servant to whom this Section applies, or in the event that such person obtains
 14 a final judgment overturning his conviction, the system shall repay to such person
 15 all benefits previously suspended in the form of a one-time lump-sum amount.

* * *

§570. Exemption from execution

18 Any annuity, retirement allowance or benefit, or refund of contributions, or
 19 any optional benefit or any other benefit paid or payable to any person under the
 20 provisions of this Subpart is exempt from state or municipal tax, and is exempt from
 21 levy and sale, garnishment, attachment, or any other process whatsoever, except as
 22 provided in R.S. 11:293, and is unassignable.

* * *

§951.3. Pensions, benefits, etc., exemption from seizure

25 The right of a person to a pension, an annuity, or a retirement allowance, to
 26 the return of contributions, the pension, annuity, or retirement allowance itself, or
 27 any other right accrued or accruing to any person under the provisions of this Part
 28 and the money in the various accounts created by this Part shall not be subject to
 29 execution, garnishment, attachment, or any other process whatsoever, except as

1 provided in R.S. 11:293, and shall be unassignable except as specifically provided
2 for in this Part.

3 * * *

4 §952.3. Exemption of pension and other rights from levy and other processes

5 The right of a person to a retirement allowance, or to the return of
6 contributions; the retirement allowance itself; any optional benefit or any other right
7 accrued or accruing to any person under the provisions of this Part; and the ~~moneys~~
8 monies in the funds created by this Part are exempt from any state or municipal tax,
9 and exempt from levy and sale, garnishment, attachment, or any other process
10 whatsoever, except as provided in R.S. 11:293, and shall be unassignable except as
11 otherwise specifically provided in this Part.

12 * * *

13 §1378. Retirement pay or pension; exemption from taxes and execution

14 Any retirement pay or pension paid to any judge or the surviving spouse of
15 any judge under the unfunded judicial retirement plan is exempt from any state or
16 municipal income tax, and is exempt from levy and sale, garnishment, attachment,
17 or any other process whatsoever, except as provided in R.S. 11:293.

18 * * *

19 §1735. Exemption from execution

20 A. The following items are hereby exempt from any state or municipal tax
21 and from levy and sale, garnishment, attachment, or any other process whatsoever
22 as provided in this Chapter, except as provided in R.S. 11:292 and 293: the right of
23 a person to a pension, an annuity, or a retirement allowance, or to the return of
24 contributions, the pension, annuity, or retirement allowance itself, any optional
25 benefit or any other right accrued or accruing to any person, and the ~~moneys~~ monies
26 in various funds created by this Chapter. These enumerated items shall be
27 unassignable, except as in this Chapter specifically otherwise provided. Benefits
28 paid under this Chapter shall be exempt from state income tax. If the contributions
29 of an employee are paid by a municipality in order to secure credit for back service,

1 §3051. Assignment prohibited

2 The right of a person to an annuity, a pension or any other benefit or refund,
3 or any right accrued or accruing to any member or beneficiary under the provisions
4 of this system, and the monies belonging to the system, shall be unassignable and
5 shall not be subject to execution, garnishment, attachment, the operation of
6 bankruptcy, or the insolvency law or any other process of law except as specifically
7 provided by the provisions of this system and in R.S. 11:293, and except that the ~~City~~
8 city shall have the right to set off funds for any claim arising from embezzlement by
9 or fraud of a member.

10 * * *

11 §3111. Exemption from seizure and attachment

12 ~~No~~ Except as provided in R.S. 11:293, no portion of the said Firemen's
13 Pension and Relief Fund shall, before or after its order for distribution is issued by
14 the said Board of Trustees to the person or persons entitled thereto under the
15 provisions of this Part, be held, seized, or levied upon, by virtue of any attachment,
16 garnishment, execution, or order or decree, or any other process whatsoever, issued
17 out of or by any court, for the payment or satisfaction, in whole or in part, of any
18 debt, damage, claim, judgment, or decree against any beneficiary of such Fund; but
19 shall be exempt therefrom. ~~That the said~~ The Fund fund shall be kept, held, and
20 distributed for no purposes other than those provided for in this Part.

21 * * *

22 §3140. Exemption from seizure and attachment

23 ~~No~~ Except as provided in R.S. 11:293, no portion of the Firemen's Pension
24 and Relief Fund shall, before or after its order for distribution is issued by the board
25 of trustees to the person or persons entitled thereto under the provisions of this Part,
26 be held, seized, taken, subjected to, detained, or levied upon, by virtue of any
27 attachment, garnishment, execution, injunction, writ, order, decree, or any other
28 process whatsoever, issued out of or by any court of this state, for the payment or
29 satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment, or

1 decree against any beneficiary of such ~~Fund~~ fund but shall be exempt therefrom.
2 The ~~Fund~~ fund shall be kept, held, and distributed solely for the purposes named in
3 this Part and for no other purposes whatsoever.

4 * * *

5 §3198. Exemption from seizure and attachment

6 ~~That~~ Except as provided in R.S. 11:293, no portion of the said Firemen's
7 Pension and Relief Fund shall, before or after its order for distribution is issued by
8 the said board of trustees to the person or persons entitled thereto under the
9 provisions of this Part, be held, seized, taken, subjected to, detained, or levied upon,
10 by virtue of any attachment, garnishment, execution, injunction, writ, order, decree,
11 or any other process whatsoever, issued out of or by any court of this state, for the
12 payment or satisfaction, in whole or in part, for any debt, damage, demand, claim,
13 judgment, or decree, against any beneficiary of such fund but shall be exempt
14 therefrom. ~~That said~~ The fund shall be sacredly kept, held, and distributed for the
15 purposes named in this Part, and for no other purposes whatsoever.

16 * * *

17 §3229. Exemption from seizure and attachment

18 ~~No~~ Except as provided in R.S. 11:293, no portion of the Firemen's Pension
19 and Relief Fund shall, before or after its order for distribution is issued by the board
20 of trustees to the person or persons entitled thereto under the provisions of this Part,
21 be held, seized, taken, subjected to, detained, or levied upon, by virtue of any
22 attachment, garnishment, execution, injunction, writ, order, decree, or any other
23 process whatsoever, issued out of or by any court of this state, for the payment or
24 satisfaction, in whole or in part, of any debts, damage, demand, claim, judgment, or
25 decree against any beneficiary of such fund, but shall be exempt therefrom. The
26 fund shall be kept, held, and distributed solely for the purposes named in this Part
27 and for no other purposes whatsoever.

28 * * *

1 §3321. Exemption from seizure and attachment

2 A. ~~No~~ Except as provided in R.S. 11:293, no portion of the Firemen's
3 Pension and Relief Fund shall, before or after any order for distribution is issued by
4 the said board of directors to the person or persons entitled thereto under the
5 provisions of this Part, be held, seized, or levied upon, by virtue of any attachment,
6 garnishment, execution, or order or decree, or any other process whatsoever issued
7 out of; or by any court, for the payment or satisfaction, in whole or in part, of any
8 debt, damage, claim, judgment, or decree against any beneficiary of said fund but
9 shall be exempt therefrom. ~~That the said~~ The fund shall be kept, held, and
10 distributed for no purpose other than those provided for in this Part.

11 * * *

12 §3345. Exemption from seizure

13 ~~No~~ Except as provided in R.S. 11:293, no portion of the pension fund shall,
14 before or after its order for distribution is issued by the board of trustees to the
15 person or persons entitled thereto under the provisions of this Part, be held, seized,
16 taken, subjected to, detained, or levied upon by virtue of any attachment,
17 garnishment, execution, writ, order, injunction, decree, or any other process
18 whatsoever, issued out of or by any court of the state of Louisiana, for the payment,
19 or satisfaction, in whole or in part, of any debt, claim, damage, demand, judgment,
20 or any other decree against any beneficiary of this fund, but shall be exempt
21 therefrom.

22 * * *

23 §3389. Exemption of pension and other rights from levy and other process

24 The right of a person to a pension, an annuity, a retirement allowance, or to
25 the return of contributions; the pension, annuity, or retirement allowance itself; any
26 optional benefit or any other right accrued or accruing to any person under the
27 provisions of this Part; and the ~~moneys~~ monies in the various funds created by this
28 Part are exempt from any state or municipal tax; and all state income tax, and exempt
29 from levy and sale, garnishment, attachment, or any other process whatsoever,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 except as provided in R.S. 11:293, and shall be unassignable except as otherwise
2 specifically provided in this Part. The fund shall be sacredly held, kept, and secured
3 and distributed for the purpose of pensioning the persons named in this Part and for
4 the payment of death benefits and for no other purpose whatsoever.

5 * * *

6 §3408. Exemption from seizure and attachment

7 ~~No~~ Except as provided in R.S. 11:293, no portion of the ~~fireman's pension~~
8 ~~and relief fund~~ Firemen's Pension and Relief Fund, before or after its order for
9 distribution is issued by the board of trustees to the person or persons entitled thereto
10 under the provisions of this Part, shall be held, seized, taken, subjected to, detained,
11 or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ,
12 order, decree, or any other process whatsoever, issued out of or by any court of this
13 state, for the payment or satisfaction, in whole or in part, of any debt, damage,
14 demand, claim, judgment, or decree against any beneficiary of such fund, but shall
15 be exempt therefrom. The fund shall be kept, held, and distributed solely for the
16 purposes named in this Part and for no other purposes whatsoever.

17 * * *

18 §3440. Exemption from seizure and attachment

19 ~~No~~ Except as provided in R.S. 11:293, no portion of the said Firemen's
20 Pension and Relief Fund shall, before or after its order for distribution is issued by
21 the said Board of Trustees to the person or persons entitled thereto under the
22 provisions of this Part, be held, seized, taken, subjected to, detained, or levied upon,
23 by virtue of any attachment, garnishment, execution, injunction, writ, order, decree,
24 or any other process whatsoever, issued out of or by any court of this state, for the
25 payment or satisfaction, in whole or in part, of any debt, damage, demand, claim,
26 judgment, or decree, against any beneficiary of such fund; but shall be exempt
27 therefrom. The ~~Fund~~ fund shall be sacredly kept, held, and distributed for the
28 purposes named in this Part and for no other purposes whatsoever.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §3470. Exemption from seizure and attachment

2 ~~That~~ Except as provided in R.S. 11:293, no portion of the said Firemen's
3 Pension and Relief Fund shall, before or after its order for distribution is issued by
4 the said board of trustees to the person or persons entitled thereto under the
5 provisions of this Part, be held, seized, taken, subjected to, detained, or levied upon,
6 by virtue of any attachment, garnishment, execution, injunction, writ, order, decree,
7 or any other process whatsoever, issued out of or by any court of this state, for the
8 payment or satisfaction, in whole or in part, of any debt, damage, demand, claim,
9 judgment, or decree against any beneficiary of such fund; ~~but shall be exempt~~
10 ~~therefrom.~~ ~~That said~~ The fund shall be sacredly kept, held, and distributed for the
11 purposes named in this Part, and for no other purposes whatsoever.

12 * * *

13 §3513. Fund not subject to execution

14 ~~The~~ Except as provided in R.S. 11:293, the fund, or any portion thereof,
15 before or after an order for its distribution is issued, shall be exempt from assignment
16 or pledge by a beneficiary of the fund or from seizure by virtue of any judicial
17 process issued against the beneficiary.

18 * * *

19 §3608. Attachment of fund; exemption from state income tax

20 A. ~~No~~ Except as provided in R.S. 11:293, no portion of the fund shall, before
21 or after the order for distribution is issued by the board of directors to the person or
22 persons entitled thereto under the provisions of this Subpart, be held, seized, or
23 levied upon, by virtue of any attachment, garnishment, execution, ~~or~~ order or decree,
24 or any other process whatsoever, issued out of; or by; any court, for the payment or
25 satisfaction, in whole or in part, of any debt, damage, claim, judgment, or decree
26 against any beneficiary of such fund, but shall be exempt therefrom. The fund shall
27 be kept, held, and distributed for no purpose other than those provided for in this

1 Subpart. No present or future revision or amendments to the fund shall have the
2 effect of reducing any benefit now in existence.

3 * * *

4 §3691. Exemption from execution

5 The right of a person to a pension, an annuity, or a retirement allowance, to
6 the return of contributions, the pension, annuity, or retirement allowance itself, any
7 optional benefit or any other right accrued or accruing to any person under the
8 provisions of this Subpart, and the ~~moneys~~ monies in the various funds created by
9 this Subpart, are hereby exempt from any state or municipal tax, and exempt from
10 levy and sale, garnishment, attachment, or any other process whatsoever, except as
11 provided in R.S. 11:293, and shall be unassignable except as in this Subpart
12 specifically otherwise provided.

13 * * *

14 §3770. Exemption from seizure and attachment

15 ~~No~~ Except as provided in R.S. 11:293, no portion of the said Bus Drivers'
16 Pension and Relief Fund shall, before or after its order for distribution is issued by
17 the said Board of Trustees to the person or persons entitled thereto under the
18 provisions of this Part, be held, seized, taken, subjected to, detained, or levied upon
19 by virtue of any attachment, garnishment, execution, injunction, writ, order, decree,
20 ~~of or~~ or any other process whatsoever, issued out of or by any ~~Court~~ court of this ~~State~~
21 state for the payment or satisfaction, in whole or in part, of any debt, damage,
22 demand, claim, judgment, or decree, against any beneficiary of such fund, but shall
23 be exempt therefrom. ~~That said~~ The Fund fund shall be sacredly kept, held, and
24 distributed for the purposes named in this Part, and for no other purposes
25 whatsoever.

26 * * *

27 §3800. Exemption from seizure and attachment

28 ~~That no~~ Except as provided in R.S. 11:293, no portion of the said Electrical
29 Workers' Pension and Relief Fund shall, before or after its order for distribution is

1 issued by the said Board of Trustees to the person or persons entitled thereto under
 2 the provisions of this Part, be held, seized, taken, subjected to, detained, or levied
 3 upon by virtue of any attachment, garnishment, execution, injunction, writ, order,
 4 decree, or any other process whatsoever, issued out of, or by, any ~~Court~~ court of this
 5 ~~State~~ state for the payment or satisfaction, in whole or in part, of any debt, damage,
 6 demand, claim, judgment, or decree, against any beneficiary of such Fund, but shall
 7 be exempt therefrom. ~~That said~~ The Fund fund shall be sacredly kept, held, and
 8 distributed for the purposes named in this Part, and for no other purposes
 9 whatsoever.

* * *

§3823. Exemption from execution

12 The right of a person to a pension, an annuity, or a retirement allowance or
 13 benefit, ~~or to the return of contributions;~~ the pension, annuity, or retirement
 14 allowance itself; ~~to any optional benefit; or any other right accrued or accruing to any~~
 15 person under the provisions of this Part or to any person with such rights in the
 16 Employees' Retirement System of the city of New Orleans ~~are~~ is exempt from any
 17 state or municipal tax and, ~~are~~ except as provided in R.S. 11:293, exempt from levy
 18 and sale, garnishment, attachment, or any other process whatsoever.

Section 2. R.S. 13:3881(D)(1) is hereby amended and reenacted to read as follows:

§3881. General exemptions from seizure

* * *

22 D.(1) Except as provided in Paragraph (2) of this Subsection and in R.S.
 23 11:293, the following shall be exempt from all liability for any debt except alimony
 24 and child support: all pensions, all tax-deferred arrangements, annuity contracts, and
 25 all proceeds of and payments under all tax-deferred arrangements and annuity
 26 contracts, as defined in Paragraph (3) of this Subsection.

* * *

1 Section 3. This Act shall take effect and become operative if and when the proposed
 2 amendment of Article X of the Constitution of Louisiana contained in the Act which
 3 originated as House Bill No. 228 of this 2010 Regular Session of the Legislature is adopted
 4 at the statewide election to be held in 2010 and becomes effective.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Pearson

HB No. 224

Abstract: Provides for the suspension of public retirement benefits by any public servant while incarcerated as a result of a crime committed on or after the effective date of proposed law.

Proposed law requires the suspension of retirement benefits to any public servant while incarcerated as a result of a crime committed on or after the effective date of proposed law. Requires such person to pay back any funds to the retirement system that he has received in excess of what proposed law allows.

Proposed law provides that such public servant shall be considered dead for purposes of retirement benefits; during the incarceration period, his spouse or children shall receive any amounts that they would be entitled to had the public servant died, pursuant to the optional allowance he selected at retirement.

Proposed law provides that a parish prosecutor shall inform the secretary of DPS&C or the parish sheriff in writing when a conviction has been obtained against a person to whom proposed law may apply. The secretary or sheriff shall then report this information to the appropriate retirement system. Relative to convictions for federal felonies, requires the secretary of state to report information to the retirement system regarding any federal convictions upon which he receives notice from the U.S. attorney for any federal crime resulting in incarceration of a public servant. The retirement system shall determine if any of its members or retirees are the subject of such incarceration and whether proposed law is applicable. The benefit paid to the wife and children of an incarcerated public servant shall not be more than the benefit that the public servant would have received.

Proposed law does not apply to any defined contribution plan.

Proposed law provides that in the event of an acquittal or discharge without conviction of the public servant, or in the event that his conviction is overturned, the system shall pay back all benefits to the public servant that were suspended during his incarceration.

Various provisions of present law specific to particular public retirement or pension systems, plans, or funds provide that any annuity, retirement allowance or benefit, or refund of contributions, or any optional benefit or any other benefit paid or payable to any person under the provisions of present law is exempt from any state or municipal tax and is exempt from levy and sale, garnishment, attachment, or any other process whatsoever and is unassignable. Proposed law is an exception to such provisions.

Effective if and when the proposed amendment of Art. X of the Constitution of La. contained in the Act which originated as HB 228 of the 2010 R.S. is adopted at the statewide election and becomes effective.

(Amends the heading of Subpart L of Part II of Chapter 4 of Subtitle I of Title 11 of the L.R.S. of 1950, R.S. 11:570, 951.3, 952.3, 1378, 1735(A), 1905, 3014, 3051, 3111, 3140, 3198, 3229, 3321(A), 3345, 3389, 3408, 3440, 3470, 3513, 3608(A), 3691, 3770, 3800, and 3823, and R.S. 13:3881(D)(1); Adds R.S. 11:293)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Clarified that when a public servant is incarcerated and therefore benefits are paid as if he were dead, for purposes of paying benefits to his spouse and children, the benefit payout to such spouse and children shall be pursuant to the optional allowance he chose at retirement.
2. Clarified that the benefit paid to the wife and children of an incarcerated public servant shall not be more than the benefit that the retiree would have received.
3. Added provision that in the event of an acquittal or discharge without conviction of the public servant, or in the event that his conviction is overturned, the system shall pay back all benefits to the public servant that were suspended during his incarceration.