

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1297

5 By: Representative J. Mayberry  
6

## For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE FORFEITURE OF RETIREMENT  
9 BENEFITS BY PERSONS WHO ARE CONVICTED OF CERTAIN  
10 CRIMES RELATING TO PUBLIC OFFICE OR PUBLIC  
11 EMPLOYMENT; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO PROVIDE FOR THE FORFEITURE OF  
15 RETIREMENT BENEFITS BY PERSONS WHO ARE  
16 CONVICTED OF CERTAIN CRIMES RELATING TO  
17 PUBLIC OFFICE OR PUBLIC EMPLOYMENT.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 24, Chapter 1, Subchapter 3, is amended  
24 to add an additional section to read as follows:

25 24-1-306. Forfeiture of benefits after felony conviction.

26 (a) The following persons forfeit their right to benefit payments  
27 under a retirement system if the person is convicted of or pleads guilty or  
28 nolo contendere to a felony that relates to his or her public office or  
29 public employment:

30 (1) A person who is employed by an employer covered by a  
31 retirement system after the effective date of this act;

32 (2) A nonvested member of a retirement system;

33 (3) A vested member of a retirement system; and

34 (4) A retirant of a retirement system.

35 (b)(1) A person who forfeits his or her retirement benefits under this  
36 section is entitled to receive a reimbursement of:



1                   (A) The balance of his or her contributions to the  
2 retirement system after a deduction for child support that he or she owes; or

3                   (B) Fifty percent (50%) of his or her contributions to the  
4 retirement system if:

5                   (i) A public defender was appointed to represent him  
6 or her in a case involving a felony charge that relates to his or her public  
7 office or public employment; or

8                   (ii) He or she owes fines, court costs, or  
9 restitution to the state that arises out of a felony that relates to his or  
10 her public office or public employment.

11                   (2) A beneficiary of a person who forfeits his or her retirement  
12 benefits under this section:

13                   (A) Is not entitled to receive the retirement benefits of  
14 the person; and

15                   (B) May receive a reimbursement of the person's  
16 contributions to the retirement system in the manner provided under  
17 subdivision (b)(1) of this subsection.

18                   (c) When a person listed in subsection (a) of this section is  
19 convicted of or pleads guilty or nolo contendere to a felony that relates to  
20 his or her public office or public employment, the court shall:

21                   (1) Enter an order finding that the person forfeits his or her  
22 public retirement benefits under this section; and

23                   (2)(A) Enter an order for restitution in accordance with § 5-4-  
24 205 to be paid by the person to the appropriate state agency if economic loss  
25 to the state occurred as a result of the person's commission of the felony  
26 that relates to his or her public office or public employment.

27                   (B) The court may order:

28                   (i) Restitution payments to be made by the  
29 retirement system from the:

30                   (a) Amount that the person contributed to the  
31 retirement system; and

32                   (b) Pension benefits the person is entitled to  
33 receive from the retirement system; and

34                   (ii) The salary of the person to be garnished in an  
35 amount that may be equal to his or her total salary.

36                   (d) If a person listed in subsection (a) of this section submits proof

1 to the retirement system showing that his or her felony conviction has been  
2 overturned on appeal, the retirement system shall reinstate the benefits of  
3 the person.

4 (e) This section does not apply retroactively.

5 (f) The provisions of this section are severable, and if any provision  
6 of this act is declared invalid, then the remaining provisions of this  
7 section shall remain valid.

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