

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of Senate Bill No. 238**

TO PROVIDE FOR INELIGIBILITY FOR RETIREMENT BENEFITS UPON CONVICTION OF A FELONY  
ARISING OUT OF AN ELECTED PUBLIC OFFICIAL'S OFFICIAL ACTIONS; AND TO DECLARE AN  
EMERGENCY.

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**Amendment No. 1 to Senate Bill 238**

Amend Senate Bill No. 238 as originally introduced:

Add Senators J. Hendren, Bond, Irvin as cosponsors of the bill

AND

Add Representatives J. Mayberry, Blake, Burch, Cavanaugh, V. Flowers, D.  
Whitaker as cosponsors of the bill

AND

Page 3, delete lines 9 through 11 and substitute the following:

"203;

(5) The Arkansas Judicial Retirement System, established by §  
24-8-201 et seq.; and

(6) The Arkansas Local Police and Fire Retirement System  
provided for under § 24-10-101 et seq."

AND

Page 5, delete lines 5 and 6 and substitute the following:

"this section.

(g)(1)(A) A prosecuting attorney shall send written notice by  
certified mail, return receipt requested, to the executive director or  
executive secretary of the applicable retirement system when a current or



former elected public official is charged with or indicted for a felony arising out of that person's official actions while serving as an elected public official.

(B) A written notice under this section shall include any information that the applicable retirement system determines necessary for the retirement system to identify the account of the current or former elected public official.

(2)(A) A retirement system shall suspend a current or former elected public official from withdrawing his or her contributions from the retirement system if the retirement system receives a written notice under subdivision (g)(1) of this section.

(B) The retirement system shall not allow a current or former elected public official suspended under subdivision (g)(2)(A) of this section to withdraw his or her contributions from the retirement system until:

(i) A final adjudication of the criminal proceeding;

or

(ii) The retirement system receives written confirmation from the prosecuting attorney that the charges or indictment against the current or former elected public official have been:

(a) Dismissed; or

(b) Reduced so that the person is no longer charged with or indicated for a felony arising out of that person's official actions while serving as an elected public official.

(3)(A) The executive director or executive secretary of the applicable retirement system or his or her designee shall notify a current or former elected public official when the withdrawal of contributions is suspended under subdivision (g)(2) of this section.

(B) The notice provided under subdivision (g)(3)(A) of this section shall advise the current or former elected public official of:

(i) The specific facts supporting the retirement system's suspension from the withdrawal of contributions; and

(ii) His or her right to request a waiver of the suspension from the withdrawal of contributions before the board of trustees of the retirement system.

(C)(i) A current or former elected public official may

request a waiver of the suspension from the withdrawal of contributions before the board of trustees of the retirement system within thirty (30) days of receiving the notice required under this subdivision (g)(3).

(ii) A request to waive a suspension from the withdrawal of contributions shall be submitted to the board of trustees of the retirement system in a manner specified by the applicable retirement system.

(iii) Upon receiving a request to waive a suspension from the withdrawal of contributions, the board of trustees of the retirement system shall set and notify the current or former elected public official of the waiver hearing date.

(iv) A retirement system may promulgate necessary rules regarding the process for considering and ruling upon a request to waive a suspension from the withdrawal of contributions under this subsection.

(h) This section applies to:"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_  
By: Senator M. Johnson  
MBM/KFW - 02-18-2019 13:01:10  
MBM151

\_\_\_\_\_  
Secretary