

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 235**

"TO REQUIRE THE FORFEITURE OF RETIREMENT BENEFITS FOR PERSONS  
CONVICTED OF VARIOUS CRIMES RELATED TO PUBLIC OFFICE OR PUBLIC  
EMPLOYMENT."

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**Amendment No. 1 to Senate Bill No. 235.**

Amend Senate Bill No. 235 as originally introduced:

Page 3, lines 1 and 2, delete "including all persons who are members" and substitute "who is a member"

AND

Page 3, lines 6 and 7 delete "including all persons who are members" and substitute "who is a member"

AND

Page 3, delete lines 16 through 30 and substitute the following:

"(b)(1) Upon receipt of a certified judgment of conviction from the court that a public official or public employee has pled guilty or nolo contendere or was found guilty of any crime related to public office or public employment, the board of trustees of the retirement system shall order the retirement benefits of the public official or public employee to be forfeited, and no payment or partial payment shall be made during the pendency of an appeal. If upon appeal, a verdict of guilty or nolo contendere is overturned or the indictment or criminal information is dismissed on appeal, then the public official or public employee shall be reinstated as a member of the retirement system and shall be entitled to all benefits as may be determined by the board, including any benefits accruing during the period of forfeiture, if contributions were made.

(2) However, the right of a divorced former spouse to an official's or employee's retirement benefits, or to a portion thereof, under a Qualified Domestic Relations Order shall not be forfeited if the order is issued prior to the conviction.

(c) In addition to the setoff remedies for embezzlement or fraud for an employer under § 24-4-1002, as amended by Act 151 of 2001, the board of trustees of the retirement system may retain a member's contributions and

interest thereon for the purpose of paying any fine imposed upon the member of the retirement system, or for the repayment of any funds misappropriated by the member from the state or any political subdivision.

(d) The board of trustees shall promulgate rules and regulations to implement this section and shall make reasonable efforts to investigate reports of and discover incidents concerning public officials and employees under this section."

AND

Page 3, delete lines 32 through 36 and Page 4, delete lines 1 through 18

AND

Page 4, line 20, delete "24-6-605" and substitute "24-2-604"

**The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_**

**By: Senator Webb**

**EN/VJF - 031520011440**

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**Secretary**