

ARKANSAS SENATE

94th General Assembly - Regular Session, 2023 Amendment Form

Subtitle of Senate Bill No. 150

TO AMEND THE LAW CONCERNING RETIREMENT BENEFITS; AND TO PROHIBIT COLLECTION OF BENEFITS BY MEMBERS AND RETIRANTS OF RETIREMENT SYSTEMS WHO ARE CONVICTED OF CERTAIN OFFENSES.

Amendment No. 1 to Senate Bill 150

Amend Senate Bill No. 150 as originally introduced:

Page 1, line 11, delete "MEMBERS AND RETIRANTS" and substitute "MEMBERS, RETIRANTS, OR BENEFICIARIES"

AND

Page 1, delete the subtitle in its entirety and substitute:

"TO AMEND THE LAW CONCERNING RETIREMENT BENEFITS; AND TO PROHIBIT COLLECTION OF BENEFITS BY MEMBERS, RETIRANTS, OR BENEFICIARIES OF RETIREMENT SYSTEMS WHO ARE CONVICTED OF CERTAIN OFFENSES."

AND

Page 1, delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 24-1-301, concerning the definitions used in the forfeiture of retirement benefits, is amended to add additional subdivisions to read as follows:

(3)(A) "Benefit" means a monthly payment made to a retirant or the beneficiary of a member or retirant by a retirement system.

(B) "Benefit" does not include employee contributions to a retirement system;

(4) "Member" means a person who is included in the membership of a retirement system;

(5) "Public trust crime" means a crime prohibited under Arkansas Constitution, Article 5, § 9; and

(6) "Retirant" means a member who retires with a benefit payable from funds of a retirement plan.



SECTION 2. Arkansas Code § 24-1-302 is amended to read as follows:
24-1-302. Forfeiture of benefits.

(a)(1) A member or retirant forfeits his or her right to benefit payments under a retirement system if he or she pleads guilty or nolo contendere to or is found guilty of a public trust crime while holding office in this state.

(2) A beneficiary forfeits his or her right to benefit payments under a retirement system if he or she:

(A) ~~Is convicted by a court of competent jurisdiction of the unlawful killing of the member or retirant~~ Pleads guilty or nolo contendere to or is found guilty of the unlawful killing of a member or retirant;

(B) ~~Pleads guilty or nolo contendere to the unlawful killing of the member or retirant~~ Pleads guilty or nolo contendere to or is found guilty of a public trust crime while holding public office in this state;

(C) Is found liable by a court of competent jurisdiction for the unlawful killing of the member or retirant by a preponderance of the evidence in a civil action;

(D) Is acquitted by a court of competent jurisdiction for the unlawful killing of the member or retirant by reason of insanity, mental defect or disease, or any other mental incapacity; or

(E) Is found by a court of competent jurisdiction to lack the capacity to understand or effectively assist in defending a criminal proceeding against him or her for the unlawful killing of the member or retirant.

~~(2)(3)~~ (3) If a retirement system finds that a member, retirant, or beneficiary has forfeited his or her right to benefit payments from the retirement system under ~~subdivision (a)(1)~~ subsection (a) of this section, the retirement system shall ~~treat the beneficiary as if he or she is deceased;~~

(A) ~~and shall not~~ Not make benefit payments to the member, retirant, or beneficiary; and

(B) Refund any employee contributions, excluding interest, made by the member or retirant to the retirement system to the:

(i) Member or retirant; or

(ii) If deceased, the estate of the member or retirant if the member or retirant does not have a contingent beneficiary who may receive benefit payments under this section.

(4)(A) A retirement system may make the refund of employee contributions to a member or retirant by a:

(i) Lump-sum payment to the member or retirant; or

(ii) Series of monthly payments to the member or retirant in amounts equal to the amount the retirement system would have paid to the member or retirant had he or she not forfeited his or her benefits.

(B) A retirement system shall make the refund of employee contributions to the estate of a member or retirant by lump-sum payment to the estate of the member or retirant.

(C) Payments made under subdivision (a)(4)(A) of this section shall cease when the member or retirant is fully reimbursed for his or her employee contributions, excluding interest, to the retirement system.

(b)(1) If a member, retirant, or beneficiary appeals his or her conviction for an offense described under ~~subdivision (a)(1)~~ subsection (a) of this section, benefit payments shall not be paid to the member, retirant, or beneficiary unless the appeal results in a reversal of the conviction.

(2)(A) If the conviction of a member, retirant, or beneficiary for an offense described under subdivision (a)(1) of this section is reversed, the retirement system may make benefit payments to the member, retirant, or beneficiary.

(B) If the conviction of a member, retirant, or beneficiary for an offense described under ~~subdivision (a)(1)~~ subsection (a) of this section is affirmed, the retirement system shall not make benefit payments to the member, retirant, or beneficiary.

~~(e) If a member or retirant does not have a contingent beneficiary who may receive benefit payments under this section, the member or retirant's contributions to the retirement system shall be refunded to the estate of the member or retirant."~~

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator M. Johnson
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LHR136

Secretary