

State of Arkansas

83rd General Assembly

Regular Session, 2001

A Bill

HOUSE BILL 1006

By: Representative Duggar

For An Act To Be Entitled

AN ACT TO PROVIDE THAT PERSONS WHO ARE ELECTED TO PUBLIC OFFICE OR EMPLOYED BY A GOVERNMENTAL ENTITY AND WHO ARE CONVICTED OF A FELONY RELATING TO PUBLIC SERVICE SHALL FORFEIT RETIREMENT BENEFITS ACCRUED UNDER A PUBLICLY-FUNDED RETIREMENT SYSTEM AFTER THE EFFECTIVE DATE OF THIS ACT; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE THAT ELECTED OFFICIALS AND GOVERNMENTAL EMPLOYEES WHO ARE CONVICTED OF A FELONY RELATING TO PUBLIC SERVICE SHALL FORFEIT PUBLIC RETIREMENT BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a)(1) On and after the effective date of this act, any person elected to any state, county, city, township or district office or employed by a governmental entity shall forfeit any retirement benefits if:

(A) The person is found guilty or pleads guilty or nolo contendere, in a court of record of this state or any federal court, to a felony that relates to the person's public service and which was committed after the effective date of this act; and

(B) The benefits were accrued under a publicly-funded retirement system after the effective date of this act.

(2) However, the provisions of this act shall not be construed to affect any rights to retirement benefits awarded to a former spouse by virtue

1 of a divorce decree, nor shall this act be construed to affect any beneficiary
2 rights of widows or surviving children of the person who forfeits retirement
3 benefits.

4 (b) When a person described in subsection (a) of this section is found
5 guilty or pleads guilty or nolo contendere to a felony, the judge of the court
6 shall make a determination at that time whether the felony is related to the
7 person's public service and shall direct the board of trustees of the
8 publicly-funded retirement system that the benefits are forfeited.

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10 SECTION 2. "Publicly-funded retirement system" used in this act
11 includes the following retirement systems and pension funds:

- 12 (1) Public Employees' Retirement System;
13 (2) State Highway Employees' Retirement System;
14 (3) State Police Retirement System;
15 (4) Teacher Retirement System;
16 (5) Judicial Retirement System;
17 (6) Local Police and Fire Retirement System; and
18 (7) any local police or fire pension and relief funds.

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20 SECTION 3. Nothing in this act shall be construed to apply any of the
21 forfeiture provisions retroactively or to apply the forfeiture provisions of
22 this act to any person who has vested retirements benefits in a publicly-
23 funded retirement system on the effective date of this act.