

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1337

5 By: Representative Tosh
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THE FORFEITURE OF BENEFIT
9 PAYMENTS BY CERTAIN PERSONS UNDER THE STATE POLICE
10 RETIREMENT SYSTEM; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO PROVIDE FOR THE FORFEITURE OF BENEFIT
13 PAYMENTS BY CERTAIN PERSONS UNDER THE
14 STATE POLICE RETIREMENT SYSTEM.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 24, Chapter 6, is amended to add
22 an additional subchapter to read as follows:

Subchapter 6 - Forfeiture of Benefit Payments

24-6-601. Definitions.

As used in this subchapter:

27 (1) "Slayer" means a beneficiary of a member or retirant of the
28 State Police Retirement System who:

29 (A) Is convicted by a court of competent jurisdiction of
30 the unlawful killing of the member or retirant;

31 (B) Pleads guilty or nolo contendere to the unlawful
32 killing of the member or retirant;

33 (C) A court of competent jurisdiction finds liable for the
34 unlawful killing of the member or retirant by a preponderance of the evidence
35 in a civil action;

36 (D) A court of competent jurisdiction acquits by reason of



1 insanity, mental defect or disease, or any other mental incapacity for the
2 unlawful killing of the member or retirant; or

3 (E) A court of competent jurisdiction finds to lack the
4 capacity to understand or effectively assist in defending a criminal
5 proceeding against himself or herself for the unlawful killing of the member
6 or retirant; and

7 (2) "Specified offense" means a criminal offense alleging that
8 the member or retirant:

9 (A) Attempted to commit or was an accomplice to an offense
10 involving the theft of public funds, benefits, or property valued in excess
11 of five thousand dollars (\$5,000);

12 (B) Attempted to commit or was an accomplice to an offense
13 involving a felony sexual assault of a minor and used or attempted to use his
14 or her authority as a state police officer to intimidate a victim or a
15 witness ;

16 (C) Attempted to commit or was an accomplice to an offense
17 involving the human trafficking of a minor and used or attempted to use his
18 or her authority as a state police officer to intimidate a victim or a
19 witness;

20 (D) Accepted a bribe in connection with his or her
21 position as a state police officer; or

22 (E) Attempted to commit or was an accomplice to an offense
23 involving a felony arising out of the willful and knowing use of his or her
24 position as a state police officer.

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26 24-6-602. Notice to the State Police Retirement System.

27 (a) A prosecuting attorney shall send written notice by certified
28 mail, return receipt requested, to the Executive Secretary of the State
29 Police Retirement System when a:

30 (1) Person is charged with the unlawful killing of a member or
31 retirant of the State Police Retirement System; or

32 (2) Member or retirant is charged with a specified offense.

33 (b) The written notice required under this section shall include any
34 information that the system determines necessary for it to identify the
35 account of the member or retirant and implement this subchapter.

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1 24-6-603. Notice to the member, retirant, or beneficiary.

2 (a)(1) The Executive Secretary of the State Police Retirement System
3 or his or her designee shall notify a member, retirant, or beneficiary when
4 benefits shall not be paid as provided under § 24-6-605.

5 (2) The notice provided under subdivision (a)(1) of this section
6 shall advise the member, retirant, or beneficiary of:

7 (A) The specific facts supporting the nonpayment of
8 benefits by the State Police Retirement System; and

9 (B) His or her right to request a waiver of the forfeiture
10 before the Board of Trustees of the State Police Retirement System.

11 (b)(1) A member, retirant, or beneficiary shall request a waiver of
12 the forfeiture by the board within thirty (30) days of receiving the notice
13 required under subsection (a) of this section.

14 (2) A waiver request made under subdivision (b)(1) of this
15 section shall be submitted to the board in the manner specified by the
16 system.

17 (c) Upon receiving a waiver request submitted under subdivision (b)(1)
18 of this section, the board shall set and notify the member, retirant, or
19 beneficiary of the waiver hearing date.

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21 24-6-604. Suspension of benefit payments.

22 (a) The State Police Retirement System may suspend benefit payments to
23 a beneficiary, member, or retirant, whichever is applicable, if the system:

24 (1) Receives the written notice required under § 24-6-602;

25 (2) Has reason to believe that the person will be charged with
26 the unlawful killing of a member or retirant; or

27 (3)(A) Has reason to believe that the member or retirant will be
28 charged with a specified offense.

29 (B) The system may suspend benefit payments to a member or
30 retirant under subdivision (a)(3)(A) of this section if the member or
31 retirant vested in the system on or after September 1, 2017.

32 (b) If benefit payments are suspended under this section, the
33 suspension shall continue until:

34 (1) A final adjudication of the criminal proceeding;

35 (2) The system receives written confirmation from the
36 prosecuting attorney that the person will not be charged with the unlawful

1 killing of the member or retirant; or

2 (3) The system receives written confirmation from the
3 prosecuting attorney that the member or retirant will not be charged with the
4 specified offense.

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6 24-6-605. Forfeiture of benefits.

7 (a)(1) A slayer forfeits his or her rights to a pension or other
8 benefit payable from the State Police Retirement System.

9 (2) The system shall treat a slayer as if he or she predeceased
10 the member or retirant and shall not make a pension or other benefit payment
11 to the slayer.

12 (b)(1) If a member or retirant who vested in the system on or after
13 September 1, 2017, is convicted of a specified offense, then the member or
14 retirant forfeits his or her rights to any current or future benefit payments
15 payable to him or her.

16 (2) The system shall not make benefits payments to a member or
17 retirant described under subdivision (b)(1) of this section.

18 (3)(A) Upon the death of the member or retirant, the system may
19 pay benefits to a beneficiary of the member or retirant in the manner
20 provided under this chapter.

21 (B) However, the system shall treat the beneficiary of the
22 member or retirant as if he or she is deceased and shall not make benefit
23 payments to the beneficiary if the beneficiary is convicted of:

24 (i) Committing or attempting to commit the specified
25 offense with the member or retirant; or

26 (ii) Acting as an accomplice to the member or
27 retirant's commission of the specified offense.

28 (C) If the member or retirant does not have a beneficiary
29 who may receive benefit payments under this section, the member or retirant's
30 contributions shall be refunded to the estate of the member or retirant.

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