

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S2/14/23

A Bill

SENATE BILL 150

5 By: Senators M. Johnson, C. Tucker
6 By: Representatives G. Hodges, Rye
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING RETIREMENT
10 BENEFITS; TO PROHIBIT COLLECTION OF BENEFITS BY
11 MEMBERS, RETIRANTS, OR BENEFICIARIES OF RETIREMENT
12 SYSTEMS WHO ARE CONVICTED OF CERTAIN OFFENSES; AND
13 FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND THE LAW CONCERNING RETIREMENT
17 BENEFITS; AND TO PROHIBIT COLLECTION OF
18 BENEFITS BY MEMBERS, RETIRANTS, OR
19 BENEFICIARIES OF RETIREMENT SYSTEMS WHO
20 ARE CONVICTED OF CERTAIN OFFENSES.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 24-1-301, concerning the definitions used
27 in the forfeiture of retirement benefits, is amended to add additional
28 subdivisions to read as follows:

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

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

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

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



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

3
 4 SECTION 2. Arkansas Code § 24-1-302 is amended to read as follows:

5 24-1-302. Forfeiture of benefits.

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

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

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

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

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

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

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

30 ~~(2)(3)~~ If a retirement system finds that a member, retirant, or
 31 beneficiary has forfeited his or her right to benefit payments from the
 32 retirement system under ~~subdivision (a)(1)~~ subsection (a) of this section,
 33 the retirement system shall ~~treat the beneficiary as if he or she is~~
 34 deceased;

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

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

3 (i) Member or retirant; or

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

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

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

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

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

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

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

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

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

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

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36 /s/M. Johnson