

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL

5 By: Senator G. Stubblefield  
6 By: Representative Sullivan  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING INELIGIBILITY FOR RETIREMENT  
10 BENEFITS UPON CONVICTION OF A FELONY ARISING OUT OF A  
11 PUBLIC EMPLOYEE OR ELECTED PUBLIC OFFICIAL'S OFFICIAL  
12 ACTIONS; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 CONCERNING INELIGIBILITY FOR RETIREMENT  
16 BENEFITS UPON CONVICTION OF A FELONY  
17 ARISING OUT OF A PUBLIC EMPLOYEE OR  
18 ELECTED PUBLIC OFFICIAL'S OFFICIAL  
19 ACTIONS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 24-1-301 is amended to read as follows:  
26 24-1-301. Definitions.

27 As used in this subchapter:

28 (1) "Beneficiary" means an individual who receives or is  
29 designated by a member or retirant to receive a plan benefit under a  
30 retirement system; ~~and~~

31 (2) "Elected public official" means a person elected to the  
32 following offices:

- 33 (A) Governor;
- 34 (B) Lieutenant Governor;
- 35 (C) Attorney General;
- 36 (D) Secretary of State;





1 to add additional sections to read as follows:

2 24-1-306. Public employees – Ineligibility for retirement benefits  
3 upon conviction of felony arising out of official actions.

4 (a) A current or former public employee shall forfeit his or her  
5 credited service in a retirement system and shall not receive retirement  
6 benefits from a retirement system if he or she:

7 (1) Is convicted in a state or federal court of a felony arising  
8 out of that person's official actions while serving as a public employee; or

9 (2) Pleads guilty or nolo contendere in a state or federal court  
10 to a felony arising out of that person's official actions while serving as a  
11 public employee.

12 (b)(1) Each time a person enters into employment as a public employee  
13 or consents to a promotion or change in classification during his or her  
14 employment, he or she shall be deemed to consent and agree to the forfeiture  
15 of his or her credited service in a retirement system if the person:

16 (A) Is convicted in a state or federal court of a felony  
17 arising out of that person's official actions while serving as a public  
18 employee; or

19 (B) Pleads guilty or nolo contendere in a state or federal  
20 court to a felony arising out of that person's official actions while serving  
21 as a public employee.

22 (2) Subdivision (b)(1) of this section applies to a public  
23 employee regardless of the date the person originally became a member of a  
24 retirement system.

25 (c) Upon the initial conviction or plea under subsection (a) of this  
26 section, the court of record shall notify the executive director of the  
27 applicable retirement system of the conviction or plea.

28 (d) Upon the initial conviction or plea under subsection (a) of this  
29 section, the retirement system shall:

30 (1) Have the current or former public employee's annuity stopped  
31 immediately, if the current or former public employee is receiving an  
32 annuity; and

33 (2) Refund to the current or former public employee the  
34 accumulated contributions credited to the current or former public employee  
35 less any annuity received.

36 (e) A current or former public employee who is convicted or pleads

1 guilty or nolo contendere under subsection (a) of this section shall be  
 2 restored to all rights, privileges, and benefits as a member of a retirement  
 3 system as if the conviction or plea had never occurred if:

4 (1) The current or former public employee:

5 (A) Has his or her conviction or plea overturned and is  
 6 acquitted; or

7 (B) Receives a pardon; and

8 (2) The current or former public employee repays any accumulated  
 9 contributions refunded to the member under subdivision (d)(2) of this  
 10 section.

11 (f) This section applies to:

12 (1) A person entering into employment as a public employee on  
 13 and after the effective date of this section; and

14 (2) A public employee who consents to a promotion or other  
 15 change in classification on and after the effective date of this section.

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 17 24-1-307. Elected public officials – Ineligibility for retirement  
 18 benefits upon conviction of felony arising out of official actions.

19 (a) A current or former elected public official shall forfeit his or  
 20 her credited service in a retirement system and shall not receive retirement  
 21 benefits from a retirement system if he or she:

22 (1) Is convicted in a state or federal court of a felony arising  
 23 out of that person's official actions while serving as an elected public  
 24 official; or

25 (2) Pleads guilty or nolo contendere in a state or federal court  
 26 to a felony arising out of that person's official actions while serving as an  
 27 elected public official.

28 (b)(1) Each time a person is elected or re-elected as an elected  
 29 public official, as a condition of his or her election, he or she shall be  
 30 deemed to consent and agree to the forfeiture of his or her credited service  
 31 in a retirement system if the person:

32 (A) Is convicted in a state or federal court of a felony  
 33 arising out of that person's official actions while serving as an elected  
 34 public official; or

35 (B) Pleads guilty or nolo contendere in a state or federal  
 36 court to a felony arising out of that person's official actions while serving

1 as an elected public official.

2 (2) Subdivision (b)(1) of this section applies to an elected  
3 public official regardless of the date the person originally became a member  
4 of a retirement system.

5 (c) Upon the initial conviction or plea under subsection (a) of this  
6 section, the court of record shall notify the executive director of the  
7 applicable retirement system of the conviction or plea.

8 (d) Upon the initial conviction or plea under subsection (a) of this  
9 section, the applicable retirement system shall:

10 (1) Have the current or former elected public official's annuity  
11 stopped immediately, if the current or former elected public official is  
12 receiving an annuity; and

13 (2) Refund to the current or former elected public official the  
14 accumulated contributions credited to the elected public official less any  
15 annuity received.

16 (e) A current or former elected public official who is convicted or  
17 pleads guilty or nolo contendere under subsection (a) of this section shall  
18 be restored to all rights, privileges, and benefits as a member of the  
19 applicable retirement system as if the conviction or plea had never occurred  
20 if:

21 (1) The current or former elected public official:

22 (A) Has his or her conviction or plea overturned and is  
23 acquitted; or

24 (B) Receives a pardon; and

25 (2) The current or former elected public official repays any  
26 accumulated contributions refunded to the member under subdivision (d)(2) of  
27 this section.

28 (f) This section applies to a person elected or re-elected as an  
29 elected public official on and after January 1, 2020.

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