

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1297

By: Representative J. Mayberry

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE FORFEITURE OF RETIREMENT BENEFITS BY PERSONS WHO ARE CONVICTED OF CERTAIN CRIMES RELATING TO PUBLIC OFFICE OR PUBLIC EMPLOYMENT; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE FORFEITURE OF RETIREMENT BENEFITS BY PERSONS WHO ARE CONVICTED OF CERTAIN CRIMES RELATING TO PUBLIC OFFICE OR PUBLIC EMPLOYMENT.

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

SECTION 1. Arkansas Code Title 24, Chapter 1, Subchapter 3, is amended to add an additional section to read as follows:

24-1-306. Forfeiture of benefits after felony conviction.

(a) The following persons forfeit their right to benefit payments under a retirement system if the person is convicted of or pleads guilty or nolo contendere to a felony that relates to his or her public office or public employment:

(1) A person who is employed by an employer covered by a retirement system after the effective date of this act;

(2) A nonvested member of a retirement system;

(3) A vested member of a retirement system; and

(4) A retirant of a retirement system.

(b)(1) A person who forfeits his or her retirement benefits under this section is entitled to receive a reimbursement of:



(A) The balance of his or her contributions to the retirement system after a deduction for child support that he or she owes; or

(B) Fifty percent (50%) of his or her contributions to the retirement system if:

(i) A public defender was appointed to represent him or her in a case involving a felony charge that relates to his or her public office or public employment; or

(ii) He or she owes fines, court costs, or restitution to the state that arises out of a felony that relates to his or her public office or public employment.

(2) A beneficiary of a person who forfeits his or her retirement benefits under this section:

(A) Is not entitled to receive the retirement benefits of the person; and

(B) May receive a reimbursement of the person's contributions to the retirement system in the manner provided under subdivision (b)(1) of this subsection.

(c) When a person listed in subsection (a) of this section is convicted of or pleads guilty or nolo contendere to a felony that relates to his or her public office or public employment, the court shall:

(1) Enter an order finding that the person forfeits his or her public retirement benefits under this section; and

(2)(A) Enter an order for restitution in accordance with § 5-4-205 to be paid by the person to the appropriate state agency if economic loss to the state occurred as a result of the person's commission of the felony that relates to his or her public office or public employment.

(B) The court may order:

(i) Restitution payments to be made by the retirement system from the:

(a) Amount that the person contributed to the retirement system; and

(b) Pension benefits the person is entitled to receive from the retirement system; and

(ii) The salary of the person to be garnished in an amount that may be equal to his or her total salary.

(d) If a person listed in subsection (a) of this section submits proof

to the retirement system showing that his or her felony conviction has been overturned on appeal, the retirement system shall reinstate the benefits of the person.

(e) This section does not apply retroactively.

(f) The provisions of this section are severable, and if any provision of this act is declared invalid, then the remaining provisions of this section shall remain valid.