

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
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A Bill

SENATE BILL 53

By: Senator G. Stubblefield
By: Representative Sullivan

For An Act To Be Entitled

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

Subtitle

CONCERNING INELIGIBILITY FOR RETIREMENT
BENEFITS UPON CONVICTION OF A FELONY
ARISING OUT OF A PUBLIC EMPLOYEE OR
ELECTED PUBLIC OFFICIAL'S OFFICIAL
ACTIONS.

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

SECTION 1. Arkansas Code § 24-1-301 is amended to read as follows:
24-1-301. Definitions.

As used in this subchapter:

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

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

- (A) Governor;
- (B) Lieutenant Governor;
- (C) Attorney General;
- (D) Secretary of State;



- (E) Treasurer of State;
- (F) Auditor of State;
- (G) Commissioner of State Lands;
- (H) A member of the Senate;
- (I) A member of the House of Representatives;
- (J) Justice of the Supreme Court;
- (K) Judge of the Court of Appeals;
- (L) Circuit judge; and
- (M) District judge;

(3) "Public employee" means an individual who is:

(A) Employed by an office, department, commission, council, board, committee, legislative body, agency, or other establishment of the executive, judicial, or legislative branch of this state; and

(B) A member of a retirement system; and

~~(2)~~(4) "Retirement system" means:

(A) The Arkansas Teacher Retirement System, established by the Arkansas Teacher Retirement System Act, § 24-7-201 et seq.;

(B) The Arkansas State Highway Employees' Retirement System, established by § 24-5-103;

(C) The Arkansas Public Employees' Retirement System, established by § 24-4-103;

(D) The State Police Retirement System, established by § 24-6-203;

(E) The Arkansas Judicial Retirement System, established by § 24-8-201 et seq.;

(F) An alternate retirement plan for:

(i) A college, university, or the Department of Higher Education provided for under § 24-7-801 et seq.; and

(ii) A vocational-technical school or the Department of Career Education provided for under § 24-7-901 et seq.;

(G) The Arkansas Local Police and Fire Retirement System provided for under § 24-10-101 et seq.; and

(H) A firemen's relief and pension fund or a policemen's pension and relief fund provided for under § 24-11-101 et seq.

SECTION 2. Arkansas Code Title 24, Chapter 1, Subchapter 3, is amended

to add additional sections to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The current or former public employee:

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

(B) Receives a pardon; and

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

(f) This section applies to:

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

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

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

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

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

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

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

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

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

as an elected public official.

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

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

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

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

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

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

(1) The current or former elected public official:

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

(B) Receives a pardon; and

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

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