

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1118

4
5 By: Representative Creekmore
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT PERSONS WHO ARE ELECTED TO
10 PUBLIC OFFICE AND WHO ARE CONVICTED OF A FELONY
11 RELATING TO PUBLIC SERVICE SHALL FORFEIT RETIREMENT
12 BENEFITS ACCRUED UNDER A PUBLICLY-FUNDED RETIREMENT
13 SYSTEM AFTER THE EFFECTIVE DATE OF THIS ACT; AND FOR
14 OTHER PURPOSES.

Subtitle

16 TO PROVIDE THAT ELECTED OFFICIALS WHO
17 ARE CONVICTED OF A FELONY RELATING TO
18 PUBLIC SERVICE SHALL FORFEIT PUBLIC
19 RETIREMENT BENEFITS.
20
21
22

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

24
25 SECTION 1. (a)(1) On and after the effective date of this act, any
26 person elected to any state, county, city, township, or district office shall
27 forfeit any retirement benefits if:

28 (A) The person is found guilty or pleads guilty or nolo
29 contendere, in a court of record of this state or federal court, to a felony
30 that relates to the person's public service and which was committed after the
31 effective date of this act; and

32 (B) The benefits were accrued under a publicly-funded
33 retirement system after the effective date of this act.

34 (2) However, this act shall not be construed to affect any rights
35 to retirement benefits awarded to a former spouse by virtue of a divorce
36 decree, nor shall this act be construed to affect any beneficiary rights of

1 surviving spouse or surviving children of the person who forfeits retirement
2 benefits.

3 (b) When a person described in subsection (a) of this section is found
4 guilty or pleads guilty or nolo contendere to a felony, the judge of the court
5 shall make a determination at that time whether the felony is related to the
6 person's public service and shall direct the board of trustees of the
7 publicly-funded retirement system that the benefits are forfeited.

8 (c) For purposes of this section "publicly-funded retirement system"
9 means the following retirement systems and pension funds:

10 (1) Arkansas Public Employees' Retirement System; and

11 (2) Arkansas Judicial Retirement System.

12
13 SECTION 2. Nothing in this act shall be construed to apply any of the
14 forfeiture provisions retroactively or to apply the forfeiture provisions of
15 this act to any person who has vested retirement benefits in a publicly-funded
16 retirement system on the effective date of this act.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36