

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/31/25

A Bill

SENATE BILL 151

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

For An Act To Be Entitled

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

16 TO AMEND LAW CONCERNING RETIREMENT
17 BENEFITS; AND TO PROHIBIT COLLECTION OF
18 BENEFITS BY MEMBERS, RETIRANTS, OR
19 BENEFICIARIES OF RETIREMENT SYSTEMS WHO
20 HAVE BEEN CONVICTED OF CERTAIN OFFENSES.
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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, concerning the definitions used
26 in the forfeiture of retirement benefits, is amended to add additional
27 subdivisions to read as follows:

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

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

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

34 (5)(A) "Public office" means an office created by or under the
35 authority of the laws of the State of Arkansas or a subdivision thereof that
36 is filled by a person who is elected by the voters of the State of Arkansas.



1 (B) "Public office" does not include an office created by
 2 or under the authority of any federal law;

3 (6) "Public trust crime" means a crime prohibited under Arkansas
 4 Constitution, Article 5, § 9; and

5 (7) "Retirant" means a member who retires with a benefit payable
 6 from funds of a retirement system.

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

9 24-1-302. Forfeiture of benefits.

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

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

16 ~~(A) Is convicted by a court of competent jurisdiction of~~
 17 ~~the unlawful killing of the member or retirant~~ Pleads guilty or nolo
 18 contendere to or is found guilty of the unlawful killing of a member or
 19 retirant; or

20 ~~(B) Pleads guilty or nolo contendere to the unlawful~~
 21 ~~killing of the member or retirant~~ Pleads guilty or nolo contendere to or is
 22 found guilty of a public trust crime while holding public office in this
 23 state, unless he or she is participating in a retirement system defined under
 24 § 24-1-301(2)(F);

25 ~~(C) Is found liable by a court of competent jurisdiction~~
 26 ~~for the unlawful killing of the member or retirant by a preponderance of the~~
 27 ~~evidence in a civil action;~~

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

31 ~~(E) Is found by a court of competent jurisdiction to lack~~
 32 ~~the capacity to understand or effectively assist in defending a criminal~~
 33 ~~proceeding against him or her for the unlawful killing of the member or~~
 34 ~~retirant.~~

35 ~~(2)(3)(A)~~ If a retirement system finds that a member, retirant,
 36 or beneficiary has forfeited his or her right to benefit payments from the

1 retirement system under ~~subdivision (a)(1)~~ subsection (a) of this section,
2 the retirement system shall ~~treat the beneficiary as if he or she is~~
3 ~~deceased~~;

4 (i) and shall not Not make benefit payments to the
5 member, retirant, or beneficiary; and

6 (ii) Refund the employee contributions accumulated
7 with interest as defined by the retirement system that were made by the
8 member or retirant to the retirement system to:

9 (a) The member or retirant; or

10 (b) If deceased, the estate of the member or
11 retirant if the member or retirant does not have a contingent beneficiary who
12 may receive benefit payments under this section.

13 (B) If a retirant is already receiving benefits, then his
14 or her employee contributions, less benefits received by the retirant through
15 the retirement system, shall be refunded to him or her in full.

16 (4)(A) A retirement system may make the refund of employee
17 contributions accumulated with interest as defined by the retirement system
18 to a member or retirant by a:

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

20 (ii) Series of monthly payments to the member or
21 retirant in amounts equal to the amount the individual paid in to the
22 retirement system with an interest rate as defined by the retirement system.

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

26 (C) Payments made under subdivision (a)(4)(A) of this
27 section shall cease when the member or retirant is fully reimbursed for his
28 or her employee contributions paid in to the retirement system with an
29 interest rate as defined by the retirement system.

30 (b)(1) If a member, retirant, or beneficiary appeals his or her
31 conviction for an offense described under ~~subdivision (a)(1)~~ subdivision
32 (a)(1) or (a)(2) of this section, benefit payments shall not be paid to the
33 member, retirant, or beneficiary unless the appeal results in a reversal of
34 the conviction.

35 (2)(A) If the conviction of a member, retirant, or beneficiary
36 for an offense described under ~~subdivision (a)(1)~~ subdivision (a)(1) or

1 (a)(2) of this section is reversed, the retirement system may make benefit
2 payments to the member, retirant, or beneficiary upon repayment of
3 accumulated contributions with interest to the system.

4 (B) If the conviction of a member, retirant, or
5 beneficiary for an offense described under ~~subdivision (a)(1)~~ subdivision
6 (a)(1) or (a)(2) of this section is affirmed, the retirement system shall not
7 make benefit payments to the member, retirant, or beneficiary.

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

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13 SECTION 3. DO NOT CODIFY. Legislative intent.

14 It is the intent of the General Assembly that this act not be construed
15 to apply retroactively to a vested member or retirant of a retirement system,
16 and shall only apply to a member whose rights have not yet vested in the
17 system as of the effective date of this act.

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19 /s/M. Johnson
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