

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS75083-LL-51* (2/2)

Short Title: Legislative Integrity and Pension Forfeiture. (Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY
CONVICTED OF CERTAIN FELONIES COMMITTED WHILE IN OFFICE AND
IN THE COURSE OF THEIR OFFICIAL DUTIES SHALL FORFEIT THEIR
PENSIONS UNDER THE LEGISLATIVE RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that:

- (1) Members of the General Assembly pledge to uphold the Constitution and laws of the United States and of the State of North Carolina;
- (2) Members of the General Assembly are elected to serve in, and pledge to uphold, the public trust;
- (3) A breach of the public trust by a member of the General Assembly is a serious offense that should incur serious consequences; and
- (4) The taxpayers of this State should not pay for the retirement benefits of a member of the General Assembly who has breached the public trust.

SECTION 2. Article 1A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-4.33. Forfeit of retirement benefits for certain felonies.

(a) The Board of Trustees shall not pay any retirement benefits or allowances, except for a return of member contributions plus interest, to any member who is convicted of any felony under the federal laws listed in subsection (b) of this section or the laws of this State listed in subsection (c) of this section, if (i) the offense is committed while serving as a member of the General Assembly; and (ii) if the conduct on which the offense is based is directly related to the person's service as a member of the General Assembly.

(b) The federal offenses covered by this section are as follows:

- 1 (1) A felony violation of 18 U.S.C. § 201 (Bribery of public officials and
2 witnesses), 18 U.S.C. § 286 (Conspiracy to defraud the Government
3 with respect to claims), 18 U.S.C. § 287 (False, fictitious or fraudulent
4 claims), 18 U.S.C. § 371 (Conspiracy to commit offense or to defraud
5 the United States), 18 U.S.C. § 597 (Expenditures to influence voting),
6 18 U.S.C. § 599 (Promise of appointment by candidate), 18 U.S.C. §
7 602 (Solicitation of political contributions), 18 U.S.C. § 606
8 (Intimidation to secure political contributions), 18 U.S.C. § 607 (Place
9 of solicitation), 18 U.S.C. § 641 (Public money, property, or records),
10 18 U.S.C. § 1001 (Statements or entries generally), 18 U.S.C. § 1341
11 (Frauds and swindles), 18 U.S.C. § 1343 (Fraud by wire, radio, or
12 television), 18 U.S.C. § 1503 (Influencing or injuring officer or juror),
13 18 U.S.C. § 1951 (Interference with commerce by threats or violence),
14 18 U.S.C. § 1952 (Interstate and foreign travel or transportation in aid
15 of racketeering enterprises), 18 U.S.C. § 1962 (Prohibited activities),
16 or section 7201 of the Internal Revenue Code (Attempt to evade or
17 defeat tax):
- 18 (2) Perjury committed under the statutes of the United States in falsely
19 denying the commission of an act that constitutes an offense with the
20 purview of a statute named in subdivision (1) of this subsection;
- 21 (3) Subornation of perjury committed in connection with the false denial
22 of another as specified by subdivision (2) of this subsection.

23 (c) The offenses under the laws of this State covered by this section are as
24 follows:

- 25 (1) A felony violation of Article 29, 30, or 30A of Chapter 14 of the
26 General Statutes (Relating to bribery, obstructing justice, and secret
27 listening) or G.S. 14-228 (Buying and selling of offices), or Article 20,
28 22, or 22A of Chapter 163 of the General Statutes (Relating to
29 absentee ballots, corrupt practices and other offenses against the
30 elective franchise, and regulation of contributions and expenditures in
31 political campaigns).
- 32 (2) Perjury committed under G.S. 14-209 in falsely denying the
33 commission of an act that constitutes an offense within the purview of
34 an offense listed in subdivision (1) of this subsection.
- 35 (3) Subornation of perjury committed in connection with the false denial
36 of another as specified by subdivision (2) of this subsection."

37 **SECTION 3.** G.S. 120-4.12 is amended by adding a new subsection to read:

38 "(e1) If a member who has not vested in this System on the date that G.S. 120-4.33
39 becomes law is convicted of an offense covered by that section, then that member shall
40 forfeit all benefits under this System. If a member who has vested in this System on the
41 date that G.S. 120-4.33 becomes law is convicted of an offense covered by that section
42 for acts committed after that date, then that member is not entitled to any creditable
43 service that accrued after the date that G.S. 120-4.33 becomes law."

1 **SECTION 4.** This act is effective when it becomes law and applies to
2 members who are convicted of offenses on or after that date.