

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35146-LL-118 (2/20)

Short Title: Officials Forfeit Pensions for Felonies. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ELECTED OFFICIALS WHO ARE MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, OR THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM SHALL FORFEIT THEIR PENSIONS UPON CONVICTION OF A STATE OR FEDERAL OFFENSE INVOLVING PUBLIC CORRUPTION OR A FELONY VIOLATION OF ELECTION LAWS.

The General Assembly of North Carolina enacts:

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

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

The Board of Trustees, after consultation with the Legislative Services Commission and the Attorney General, shall not pay any retirement benefits or allowances, except for a return of contributions plus interest, to any member who is convicted of a state or federal offense involving public corruption or a felony violation of election laws for acts committed while serving as a member of the General Assembly."

SECTION 1.(b) G.S. 120-4.12 is amended by adding a new subsection to read:

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

SECTION 2.(a) Article 3 of Chapter 128 of the General Statutes is amended by adding a new section to read:

1 **"§ 128-38.4. Forfeiture of retirement benefits for certain felonies.**

2 The Board of Trustees, after consultation with the Attorney General, shall not pay
3 any retirement benefits or allowances, except for a return of contributions plus interest,
4 to any member who is an elected government official and is convicted of a state or
5 federal offense involving public corruption or a felony violation of election laws for acts
6 committed while holding that elective office."

7 **SECTION 2.(b)** G.S. 128-26 is amended by adding a new subsection to
8 read:

9 "(w) If a member who is an elected government official and has not vested in this
10 System on the date that G.S. 128-38.4 becomes law is convicted of an offense covered
11 by that section, then that member shall forfeit all benefits under this System. If a
12 member who is an elected government official and has vested in this System on the date
13 that G.S. 128-38.4 becomes law is convicted of an offense covered by that section for
14 acts committed after that date, then that member is not entitled to any creditable service
15 that accrued after the date that G.S. 128-38.4 becomes law."

16 **SECTION 3.(a)** Article 1 of Chapter 135 of the General Statutes is amended
17 by adding a new section to read:

18 **"§ 135-18.10. Forfeiture of retirement benefits for certain felonies.**

19 The Board of Trustees, after consultation with the Attorney General, shall not pay
20 any retirement benefits or allowances, except for a return of contributions plus interest,
21 to any member who is an elected government official and is convicted of a state or
22 federal offense involving public corruption or a felony violation of election laws
23 committed while holding that elective office."

24 **SECTION 3.(b)** G.S. 135-4 is amended by adding a new subsection to read:

25 "(gg) If a member who is an elected government official and has not vested in this
26 System on the date that G.S. 135-18.10 becomes law is convicted of an offense covered
27 by that section, then that member shall forfeit all benefits under this System. If a
28 member who is an elected government official and has vested in this System on the date
29 that G.S. 135-18.10 becomes law is convicted of an offense covered by that section for
30 acts committed after that date, then that member is not entitled to any creditable service
31 that accrued after the date that G.S. 135-18.10 becomes law."

32 **SECTION 4.(a)** Article 4 of Chapter 135 of the General Statutes is amended
33 by adding a new section to read:

34 **"§ 135-75.1. Forfeiture of retirement benefits for certain felonies.**

35 The Board of Trustees, after consultation with the Judicial Standards Commission
36 and the Attorney General, shall not pay any retirement benefits or allowances, except
37 for a return of contributions plus interest, to any member who is convicted of a state or
38 federal offense involving public corruption or a felony violation of election laws
39 committed while serving as a justice, a judge, a district attorney, or a clerk of superior
40 court."

41 **SECTION 4.(b)** G.S. 135-56 is amended by adding a new subsection to
42 read:

43 "(g) If a member who has not vested in this System on the date that G.S. 135-75.1
44 becomes law is convicted of an offense covered by that section, then that member shall

1 forfeit all benefits under this System. If a member who has vested in this System on the
2 date that G.S. 135-75.1 becomes law is convicted of an offense covered by that section
3 for acts committed after that date, then that member is not entitled to any creditable
4 service that accrued after the date that G.S.135-75.1 becomes law."

5 **SECTION 5.** This act is effective when it becomes law and applies to
6 members who are convicted of offenses on or after that date.