

March 8, 2007

S 659. OFFICIALS FORFEIT PENSIONS FOR FELONIES. Filed 3/8/07. *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.*

Enacts new GS 120-4.33, GS 120-38.4, GS 135-18.10, and GS 135-75.1 prohibiting the board of trustees, after consulting with the Attorney General, and with the Commission or the Judicial Standards Commission when appropriate, from paying retirement benefits other than a return of contributions to individuals convicted of a state or federal offense involving public corruption or a felony violation of election law for acts committed while in office if the individual is: (1) an elected official who is a member of the Legislative Retirement System; (2) an elected official who is a member of the Retirement System for Counties, Cities and Towns; (3) an elected official who is a member of the Retirement System for Teachers and State Employees; and (4) members of the Consolidated Judicial Retirement Act. Amends GS 120-4.12, GS 128-26, GS 135-4, and GS 135-56 to provide that members who have not vested in the legislative retirement system at the time the statute prohibiting the payment of retirement benefits becomes law forfeit all benefits upon conviction. Members who have vested at the time the statute becomes law and are convicted of an offense after that date are not entitled to creditable service accruing after the date that the statute becomes law.

Intro. by Rand.

GS 120, 128, 135

April 23, 2007

S 659. OFFICIALS FORFEIT PENSIONS FOR FELONIES. Filed 3/8/07. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 120-4.33, GS 120-38.4, GS 135-18.10, and GS 135-75.1 to prohibit the board of trustees from paying retirement benefits (removes the consultation requirements), other than a return of contributions and interest to individuals convicted of one of the public corruption or election law related federal or state felonies enumerated in each statute, if: (1) the offense is committed while the individual is serving in the applicable office, and (2) the conduct on which the offense is based is directly related to the individual's service. Requires any forfeited funds to be remitted to the Civil Penalty and Forfeiture Fund. Modifies proposed changes to GS 120-4.12, GS 128-26, GS 135-4, and GS 135-56 to provide that members who have not vested in the respective retirement system on July 1, 2007, convicted of an offense listed in GS 135-75.1 for acts committed after July 1, 2007, forfeit all benefits. Members who have vested on July 1, 2007, and are convicted of an offense after July 1, 2007, are not entitled to creditable service accruing after July 1, 2007. Provides that members do not have to forfeit any benefit or creditable service earned from a position other than listed positions covered under the respective retirement system. Changes the bill's effective date to July 1, 2007.

May 30, 2007

S 659. OFFICIALS FORFEIT PENSIONS FOR FELONIES. Filed 3/8/07. House committee substitute makes the following changes to 2nd edition. Modifies the list of federal and state felonies, conviction for which results in forfeiture of retirement benefits, as follows: (1) Deletes 18 USC 602 (solicitation of political contributions) and 18 USC 607 (place of solicitation), and adds 18 USC 666 (embezzlement and theft) and 18 USC 1956 (laundering of monetary instruments), to the list of covered federal felonies and (2) adds perjury under Article 22A of GS Chapter 163 to the list of state felonies. Makes conforming changes.

July 9, 2007

SL 2007-179 (S 659). OFFICIALS FORFEIT PENSIONS FOR FELONIES. 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. Summarized in *Daily Bulletin* 3/8/07, 4/23/07, and 5/30/07. Enacted July 5, 2007. Effective July 1, 2007.