

House Bill 529

By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated,
2 relating to restrictions on membership in public retirement or pension systems, so as to define
3 certain terms; to provide that members of a public retirement system convicted of certain
4 crimes shall forfeit all rights and benefits under such system; to provide for a return of
5 employee contributions; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to
9 restrictions on membership in public retirement or pension systems, is amended by inserting
10 at the end thereof the following:

11 "47-1-25.

12 (a) As used in this Code section, the term:

13 (1) 'Crime' means:

14 (A) Forgery in the first degree as provided in Code Section 16-9-1, as now or hereafter
15 amended;

16 (B) Computer crimes, as provided in Code Section 16-9-93, as now or hereafter
17 amended;

18 (C) Making false statements and writings, concealing facts, and committing fraud in
19 matters within jurisdiction of state or political subdivisions as provided in Code Section
20 16-10-20, as now or hereafter amended; and

21 (D) Conspiracy to defraud the state or a political subdivision as provided in Code
22 Section 16-10-21, as now or hereafter amended.

23 (2) 'Final conviction' means a conviction which has been upheld after the convicted
24 person has exhausted all appeals to the conviction.

25 (b) This Code section shall apply to any person who becomes or again becomes a member
26 of a public retirement system on or after July 1, 2006.

1 (c) Any person subject to this Code section shall, upon final conviction of a crime defined
2 in subsection (a) of this Code section, forfeit all rights and benefits under any public
3 retirement system. Unless there is another person to whom benefits may lawfully be paid,
4 any employee or member contributions or dues made to the retirement or pension system
5 from which such person would otherwise be entitled to receive a benefit shall be returned
6 to the member, without interest or earnings, within 60 days after the date of such final
7 conviction."

8 **SECTION 2.**

9 All laws and parts of laws in conflict with this Act are repealed.