

House Bill 844

By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions relative to the Georgia Firefighters' Pension Fund, so as
3 to provide that actions intended to defraud the fund shall be a felony; to provide for the
4 forfeiture of all rights under such fund for persons found to have falsely obtained
5 membership or benefits; to provide for notice and the opportunity for a hearing; to provide
6 for appeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 7 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to
10 miscellaneous provisions relative to the Georgia Firefighters' Pension Fund, is amended by
11 revising Code Section 47-7-126, relating to penalty for false statements or falsified records
12 and correction of errors by the board, as follows:

13 "47-7-126.

14 (a) Any person who knowingly makes any false statements or falsifies or permits to be
15 falsified any records of the fund in an attempt to defraud the fund shall be guilty of a
16 ~~misdemeanor~~ felony and, upon conviction thereof, shall be punished by a fine not to exceed
17 ~~\$500.00~~ \$5,000.00, imprisonment for up to ~~12 months~~ five years, or both.

18 (b) On and after July 1, 2014, if the board finds, after notice and opportunity for a hearing
19 conducted in accordance with the procedure for contested cases under Chapter 13 of Title
20 50, the 'Georgia Administrative Procedure Act,' that any person has knowingly:

21 (1) Made a material false statement or falsified or permitted to be falsified any records
22 of the fund or documents of the fund in an attempt to defraud the fund;

23 (2) Obtained or continued membership in the fund while not eligible to become or
24 remain a member of the fund;

25 (3) Obtained benefits that he or she is not entitled to receive; or

26 (4) Obtained benefits in an amount greater than he or she is entitled to receive.

27 the board may order that such person shall forfeit all rights and benefits that the member
28 is or may be entitled to under the fund. Any person who is aggrieved or adversely affected
29 by a final action of the board under this subsection shall have the right of judicial review
30 in the superior courts.

31 (c) If any change or error in the records of the fund results in any member or beneficiary
32 receiving from it more or less than such member or beneficiary would have been entitled
33 to receive had the records been correct, the board shall have the power to correct such error
34 and to adjust the payments as far as is practicable and in such manner that the actuarial
35 equivalent of any additional benefit to which such member or beneficiary was correctly
36 entitled shall be paid or in such manner that any excess payment shall be recovered."

37 **SECTION 2.**

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