

House Bill 298

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 and prohibitions on membership in public retirement or pension
3 systems, so as to modify the manner and timing for the deduction or cessation of payments
4 owed by a public employee as a result of public employment related crimes; to increase the
5 time in which a public retirement system shall initiate certain administrative proceedings
6 upon the conviction of a member or beneficiary of a public employment related crime; to
7 repeal conflicting laws; and for other purposes

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to
11 restrictions and prohibitions on membership in public retirement or pension systems, is
12 amended by revising Code Section 47-1-22, relating to reduction and forfeiture of rights and
13 benefits by public employees after July 1, 1985, for committing public employment related
14 crimes and reimbursement of contributions, as follows:

15 "47-1-22.

16 (a) This Code section shall apply to public employees first or again becoming public
17 employees after July 1, 1985.

18 (b)(1) If a public employee commits a public employment related crime in the capacity
19 of a public employee and is convicted for the commission of such crime, upon final
20 conviction such person's benefits under a public retirement or pension system, including
21 any survivor's benefits if applicable, shall be reduced by an amount equal to three times
22 the economic impact of the crime, as determined pursuant to the provisions of Code
23 Section 47-1-25.

24 (2) Payment of such benefits shall cease until such amount has been forfeited, after
25 which benefits shall be restored. If the person has not begun to receive a benefit, the
26 deduction shall commence at the time such benefits would normally begin.

27 (3) As an alternative to the method and manner of cessation or deduction of payments
28 required by paragraph (2) of this subsection, a public retirement system may adopt a
29 policy which provides that the regular benefit payments to the person convicted of a
30 public employment related crime shall be reduced in equal installments that are
31 actuarially determined to be equal to the net present value of the reduction required by
32 paragraph (1) of this subsection over the life expectancy of such person.

33 (4) For purposes of this subsection, the term 'benefit' shall not include a refund of
34 employee contributions without interest."

35 **SECTION 2.**

36 Said article is further amended by revising Code Section 47-1-25, relating to determination
37 of economic impact of public employment related crime, as follows:

38 "47-1-25.

39 Within ~~30~~ 90 days following the day the board of trustees receives notice that a member
40 of the retirement system has been convicted of a public employment related crime, the
41 board shall initiate proceedings in the Office of State Administrative Hearings, under the
42 provisions of Article 2 of Chapter 13 of Title 50, to determine the economic impact of the
43 public employment related crime. Such matter shall be deemed to be a contested case
44 within the meaning of such article. The Department of Law shall represent the board of
45 trustees in such proceedings. The decision of the administrative law judge shall be final
46 unless appeal is made as otherwise provided by law."

47 **SECTION 3.**

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