

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1801

By: Roberts (Dustin)

AS INTRODUCED

An Act relating to the Teachers' Retirement System of Oklahoma; amending Section 1, Chapter 46, O.S.L. 2012 (70 O.S. Supp. 2014, Section 17-116.2D), which relates to forfeiture of benefits; modifying reference; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 46, O.S.L. 2012 (70 O.S. Supp. 2014, Section 17-116.2D), is amended to read as follows:

Section 17-116.2D A. ~~Any~~ A member of the System upon final conviction of, or pleading guilty or nolo contendere to, a felony in a state or federal court of competent jurisdiction shall forfeit all retirement benefits provided by law; however, the forfeiture of retirement benefits shall not occur if any such member of the System received a deferred sentence, but retirement benefits shall not commence prior to completion of the deferred sentence. The forfeiture of retirement benefits required by this subsection shall not include such member's contributions to the retirement system or

1 retirement benefits that are vested on the effective date of this  
2 act.

3 B. The forfeiture of retirement benefits as provided by  
4 subsection A of this section shall also apply to any member of the  
5 System who, after leaving active contributory employment, is  
6 convicted of, or pleads guilty or nolo contendere to, in a state or  
7 federal court of competent jurisdiction, a felony committed while in  
8 such employment, where the felony is for bribery, corruption,  
9 forgery or perjury or any other crime related to the duties of his  
10 or her employment, or related to campaign contributions or campaign  
11 financing for that or any other office.

12 C. Any claims for payment of retirement benefits to any such  
13 member of the System suspended from or forfeiting his or her  
14 retirement benefits shall be rejected by the System.

15 D. Such suspension or forfeiture shall continue until such time  
16 as the conviction or guilty plea is reversed by the highest  
17 appellate court to which the member may appeal.

18 E. The attorney responsible for prosecuting such members of the  
19 System shall notify the System of the forfeiture of such member's  
20 retirement benefits. Upon receipt of the notice of forfeiture, the  
21 System shall immediately suspend all benefits of the member, and  
22 notify the member of his or her right to a hearing to review whether  
23 the conviction or plea qualifies for forfeiture of benefits under  
24 this section. If the conviction or plea occurs in federal court or

1 the notice of forfeiture is not forthcoming from the state  
2 prosecutor, the System may investigate and gather court documents  
3 and contact prosecutors to determine whether the conviction or plea  
4 qualifies under this section. Upon obtaining sufficient  
5 documentation of the conviction or plea, the retirement system shall  
6 immediately suspend all benefits of the member, and notify the  
7 member of his or her right to a hearing to review whether the  
8 conviction or plea qualifies for forfeiture of benefits under this  
9 section.

10 SECTION 2. This act shall become effective November 1, 2015.

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January 21, 2015

Representative D. Roberts  
Room 302B

Re: RBH No. 5076

RBH No. 5076 is a shell bill.

RBH No. 5076 is a nonfiscal retirement bill as defined by the  
Oklahoma Pension Legislation Actuarial Analysis Act.

*Thomas E. Cummins*

Thomas E. Cummins, MAAA