

By: Gallego

H.B. No. 1722

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility of elected officials convicted of a crime  
3 for certain retirement and related benefits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 814, Government Code, is  
6 amended by adding Section 814.012 to read as follows:

7 Sec. 814.012. INELIGIBILITY OF CERTAIN CONVICTED FELONS.

8 (a) A person is ineligible to receive service retirement benefits,  
9 disability retirement benefits, or death benefits payable by the  
10 retirement system if the person:

11 (1) at any time, served in a position for which the  
12 person is eligible for membership in the elected class under  
13 Section 812.002(a); and

14 (2) is convicted of an offense under the law of a state  
15 or the United States that is classified as a felony.

16 (b) Ineligibility for benefits under Subsection (a) begins  
17 on the date that conviction of the person becomes final, without  
18 regard to whether the person has retired from the system on that  
19 date.

20 (c) A person who is ineligible for benefits under this  
21 section may withdraw the person's accumulated contributions for  
22 service credited in the retirement system in the manner provided by  
23 Subchapter B, Chapter 812. A person may withdraw contributions  
24 under this section without regard to whether the person has

1 retired, however, the amount of contributions that may be withdrawn  
2 is reduced by the total amount of any benefits paid by the  
3 retirement system to the person before the date of the withdrawal.

4 (d) A person has been convicted for purposes of Subsection  
5 (a) if the person has been adjudged guilty of the offense or entered  
6 a plea of guilty or nolo contendere in return for a grant of  
7 deferred adjudication, regardless of whether the sentence for the  
8 offense was ever imposed or whether the sentence was probated and  
9 the defendant was subsequently discharged from community  
10 supervision.

11 SECTION 2. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 covered by the law in effect when the offense was committed, and the  
15 former law is continued in effect for that purpose. For purposes of  
16 this section, an offense was committed before the effective date of  
17 this Act if any element of the offense was committed before that  
18 date.

19 SECTION 3. This Act takes effect September 1, 2007.