

By: Johnson, Sheffield, Farrar, Crownover,
Lucio III, et al.

H.B. No. 246

Substitute the following for H.B. No. 246:

By: Hernandez Luna

C.S.H.B. No. 246

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for service retirement annuities of
certain elected officials convicted of certain crimes.

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

SECTION 1. Subchapter B, Chapter 814, Government Code, is
amended by adding Section 814.1021 to read as follows:

Sec. 814.1021. CERTAIN ELECTED MEMBERS INELIGIBLE FOR
RETIREMENT ANNUITY. (a) In this section, "qualifying felony"
means any felony involving:

(1) bribery;

(2) the embezzlement, extortion, or other theft of
public money;

(3) perjury; or

(4) conspiracy or the attempt to commit any of the
above crimes.

(b) This section applies only to a member of the elected
class of the retirement system as described by Section
812.002(a)(1) or (2).

(c) Except as provided by Subsection (d), a member is not
eligible to receive a service retirement annuity for service credit
in the elected class under the retirement system if the member is
convicted of a qualifying felony committed while in office and
arising directly from the official duties of that elected office.

(d) The retirement system shall suspend payments of an

1 annuity to a person ineligible to receive the annuity under
2 Subsection (c). A person whose conviction is overturned on appeal
3 or who meets either of the requirements for innocence under Section
4 103.001(a)(2), Civil Practice and Remedies Code:

5 (1) is entitled to receive an amount equal to the
6 accrued total of payments and interest earned on the payments
7 withheld during the suspension period; and

8 (2) may resume receipt of annuity payments on payment
9 to the retirement system of an amount equal to the contributions
10 refunded to the person under Subsection (e).

11 (e) A member who is not eligible to receive a service
12 retirement annuity under Subsection (c) is entitled to a refund of
13 the member's retirement annuity contributions, including interest
14 earned on those contributions.

15 (f) Benefits payable to an alternate payee under Chapter 804
16 who is recognized by a domestic relations order established before
17 September 1, 2011, are not affected by a member's ineligibility to
18 receive a retirement annuity under Subsection (c).

19 (g) Ineligibility for a retirement annuity under this
20 section does not impair a person's right to any other retirement
21 benefit for which the person is eligible.

22 (h) The board of trustees of the retirement system shall
23 adopt rules and procedures to implement this section.

24 SECTION 2. Article 6220, Revised Statutes, is repealed.

25 SECTION 3. (a) Section 814.1021, Government Code, as added
26 by this Act, applies only to a member of the Employees Retirement
27 System of Texas who is or was a member of the state legislature or

1 holds or has held a statewide elected office and, on or after the
2 effective date of this Act, commits an offense that is a qualifying
3 felony as defined by that section. A person who commits a
4 qualifying felony before the effective date of this Act is subject
5 to the law in effect on the date the offense was committed, and the
6 former law is continued in effect for that purpose.

7 (b) For purposes of this section, an offense was committed
8 before the effective date of this Act if any element of the offense
9 occurred before that date.

10 SECTION 4. This Act takes effect September 1, 2011.