

1-1 By: Seliger, et al. S.B. No. 371  
1-2 (In the Senate - Filed January 18, 2011; February 2, 2011,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 28, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 28, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the eligibility for service retirement annuities of  
1-9 certain elected officials convicted of certain crimes.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 814, Government Code, is amended by  
1-12 adding Section 814.1021 to read as follows:

1-13 Sec. 814.1021. CERTAIN ELECTED MEMBERS INELIGIBLE FOR  
1-14 RETIREMENT ANNUITY. (a) In this section, "qualifying felony"  
1-15 means any felony involving:

1-16 (1) bribery;

1-17 (2) the embezzlement, extortion, or other theft of  
1-18 public money;

1-19 (3) perjury; or

1-20 (4) conspiracy or the attempt to commit any of the  
1-21 above crimes.

1-22 (b) This section applies only to a member of the elected  
1-23 class of the retirement system as described by Section  
1-24 812.002(a)(1) or (2).

1-25 (c) Except as provided by Subsection (d), a member is not  
1-26 eligible to receive a service retirement annuity for service credit  
1-27 in the elected class under the retirement system if the member is  
1-28 convicted of a qualifying felony committed while in office and  
1-29 arising directly from the official duties of that elected office.

1-30 (d) The retirement system shall suspend payments of an  
1-31 annuity to a person ineligible to receive the annuity under  
1-32 Subsection (c). A person whose conviction is overturned on appeal  
1-33 or who meets either of the requirements for innocence under Section  
1-34 103.001(a)(2), Civil Practice and Remedies Code, is entitled to  
1-35 receive an amount equal to the accrued total of payments and  
1-36 interest earned on the payments withheld during the suspension  
1-37 period.

1-38 (e) A member who is not eligible to receive a service  
1-39 retirement annuity under Subsection (c) is entitled to a refund of  
1-40 the member's retirement annuity contributions, not including  
1-41 interest earned on those contributions.

1-42 (f) Benefits payable to an alternate payee under Chapter 804  
1-43 are not affected by a member's ineligibility to receive a  
1-44 retirement annuity under Subsection (c).

1-45 (g) Ineligibility for a retirement annuity under this  
1-46 section does not impair a person's right to any other retirement  
1-47 benefit for which the person is eligible.

1-48 (h) The board of trustees of the retirement system shall  
1-49 adopt rules and procedures to implement this section.

1-50 SECTION 2. Article 6220, Revised Statutes, is repealed.

1-51 SECTION 3. (a) Section 814.1021, Government Code, as added  
1-52 by this Act, applies only to a member of the Employees Retirement  
1-53 System of Texas who is or was a member of the state legislature or  
1-54 holds or has held a statewide elected office and, on or after the  
1-55 effective date of this Act, commits an offense that is a qualifying  
1-56 felony as defined by that section. A person who commits a  
1-57 qualifying felony before the effective date of this Act is subject  
1-58 to the law in effect on the date the offense was committed, and the  
1-59 former law is continued in effect for that purpose.

1-60 (b) For purposes of this section, an offense was committed  
1-61 before the effective date of this Act if any element of the offense  
1-62 occurred before that date.

1-63 SECTION 4. This Act takes effect September 1, 2011.

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