

1-1 By: Taylor of Collin S.B. No. 500
 1-2 (In the Senate - Filed January 25, 2017; January 30, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 February 2, 2017, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; February 2, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the effect of certain felony convictions of public
 1-20 elected officers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 810, Government Code, is amended by
 1-23 adding Section 810.002 to read as follows:

1-24 Sec. 810.002. CERTAIN ELECTED OFFICIALS INELIGIBLE FOR
 1-25 RETIREMENT ANNUITY. (a) In this section:

1-26 (1) "Governing body of a public retirement system" and
 1-27 "public retirement system" have the meanings assigned by Section
 1-28 802.001.

1-29 (2) "Qualifying felony" means any felony involving:

1-30 (A) bribery;

1-31 (B) the embezzlement, extortion, or other theft
 1-32 of public money;

1-33 (C) perjury;

1-34 (D) coercion of public servant or voter;

1-35 (E) tampering with governmental record;

1-36 (F) misuse of official information;

1-37 (G) conspiracy or the attempt to commit any of
 1-38 the offenses described by Paragraphs (A)-(F); or

1-39 (H) abuse of official capacity.

1-40 (b) This section applies only to a person who is:

1-41 (1) a member of the elected class of the Employees
 1-42 Retirement System of Texas as described by Section 812.002(a)(1) or
 1-43 (2); or

1-44 (2) otherwise eligible for membership in a public
 1-45 retirement system wholly or partly because the person held an
 1-46 elected office.

1-47 (c) Except as provided by Subsection (d), a member of a
 1-48 public retirement system is not eligible to receive a service
 1-49 retirement annuity under the retirement system if the member is
 1-50 convicted of a qualifying felony committed while in office and
 1-51 arising directly from the official duties of that elected office.

1-52 (d) The retirement system shall suspend payments of an
 1-53 annuity to a person ineligible to receive the annuity under
 1-54 Subsection (c). A person whose conviction is overturned on appeal
 1-55 or who meets the requirements for innocence under Section
 1-56 103.001(a)(2), Civil Practice and Remedies Code:

1-57 (1) is entitled to receive an amount equal to the
 1-58 accrued total of payments and interest earned on the payments
 1-59 withheld during the suspension period; and

1-60 (2) may resume receipt of annuity payments on payment
 1-61 to the retirement system of an amount equal to the contributions

2-1 refunded to the person under Subsection (e).

2-2 (e) A member who is ineligible to receive a service
2-3 retirement annuity under Subsection (c) is entitled to a refund of
2-4 the member's service retirement annuity contributions, including
2-5 interest earned on those contributions.

2-6 (f) Benefits payable to an alternate payee under Chapter 804
2-7 who is recognized by a domestic relations order established before
2-8 January 8, 2019, are not affected by a member's ineligibility to
2-9 receive a service retirement annuity under Subsection (c).

2-10 (g) On conviction of a member for a qualifying felony, a
2-11 court may, in the interest of justice and in the same manner as in a
2-12 divorce proceeding, award half of the service retirement annuity
2-13 forfeited by the member as the separate property of an innocent
2-14 spouse if the annuity is partitioned or exchanged by written
2-15 agreement of the spouses as provided by Subchapter B, Chapter 4,
2-16 Family Code. The amount awarded to the innocent spouse may not be
2-17 converted to community property.

2-18 (h) Ineligibility for a service retirement annuity under
2-19 this section does not impair a person's right to any other
2-20 retirement benefit for which the person is eligible.

2-21 (i) The governing body of a public retirement system shall
2-22 adopt rules and procedures to implement this section.

2-23 SECTION 2. Chapter 601, Government Code, is amended by
2-24 adding Section 601.011 to read as follows:

2-25 Sec. 601.011. VACANCY ON FINAL FELONY CONVICTION OF MEMBER
2-26 OF LEGISLATURE, GOVERNOR, OR STATE ELECTED OFFICIAL. A member of
2-27 the legislature, the governor, or a state elected official
2-28 convicted of a felony vacates the member's, governor's, or
2-29 official's office on the date the conviction becomes final.

2-30 SECTION 3. Section 810.002, Government Code, as added by
2-31 this Act, applies only to a member of a public retirement system who
2-32 holds or has held elected office and, on or after the effective date
2-33 of this Act, commits an offense that is a qualifying felony as
2-34 defined by that section. A person who commits a qualifying felony
2-35 before the effective date of this Act is subject to the law in
2-36 effect on the date the offense was committed, and the former law is
2-37 continued in effect for that purpose. For purposes of this section,
2-38 an offense was committed before the effective date of this Act if
2-39 any element of the offense occurred before that date.

2-40 SECTION 4. This Act takes effect January 8, 2019.

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