

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 153

Short Title: No State Retirement for Convicted Felons. (Public)

Sponsors: Representatives Howard, Ross, T. Moore, and H. Warren (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: State Personnel.

February 22, 2011

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY FROM RECEIVING RETIREMENT FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 1 of Chapter 135 is amended by adding a new section to read:

**"§ 135-18.11. Forfeiture of retirement benefits for certain employment-related felonies.**

(a) Except as provided in G.S. 135-4(ii), the Board of Trustees shall not pay any retirement benefits or allowances, except for a return of member contributions plus interest, to any member who is convicted of any felony listed in subsection (b) of this section if all of the following apply:

(1) The offense is committed while the member is an employee or a teacher.

(2) The conduct on which the offense is based is directly related to the member's service as an employee or a teacher.

(b) The offenses covered by this section are as follows:

(1) Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime.

(2) Possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.



1           (3)     Similar crimes under federal law.  
2       (c)     All monies forfeited under this section shall be remitted to the Civil Penalty and  
3 Forfeiture Fund."

4           **SECTION 2.** G.S. 135-4 is amended by adding a new subsection to read:

5       (ii)    If a member who is an employee or a teacher and has not vested in this System on  
6 July 1, 2011, is convicted of an offense listed in G.S. 135-18.11 for acts committed after July 1,  
7 2011, then that member shall forfeit all benefits under this System, except for a return of  
8 member contributions plus interest. If a member who is an employee or a teacher and has  
9 vested in this System on July 1, 2011, is convicted of an offense listed in G.S. 135-18.11 for  
10 acts committed after July 1, 2011, then that member is not entitled to any creditable service that  
11 accrued after July 1, 2011."

12           **SECTION 3.** This act becomes effective July 1, 2011.