



## Commission on Government Forecasting and Accountability

### PENSION IMPACT NOTE *103<sup>RD</sup> General Assembly*

BILL NO:           **HB 1614**

February 6, 2023

SPONSOR (S):     Tarver

SYSTEM:           General Provisions Article – (All Systems)

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#### **FISCAL IMPACT**

**The fiscal impact of HB 1614 is not known, as the number of individuals who would be convicted of the offenses set forth in this bill is not known. To the extent that the fund in question would not have to pay pension benefits to individuals described in this bill, there would be a very slight positive impact to the pension fund.**

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**SUBJECT MATTER:** HB 1614 amends the General Provisions article of the Pension Code. The bill allows for a court to order pension benefits to be suspended if the person committed certain offenses (outlined below).

**COMMENT:** Under current law, pension fund members who are convicted of any felony relating to or arising out of or in connection with service as an employee shall stop receiving benefits provided by the Pension code upon conviction by a court of competent jurisdiction. HB 1614 expands the circumstances in which benefits may be forfeited. The bill provides that, upon petition of the board of trustees of the appropriate retirement system, a circuit court may order that none of the pension benefits be paid to a person who begins service on or after the effective date of the bill, and who commits a “disqualifying offense”.

A “disqualifying offense” is defined by HB 1614 as any of the following offenses set forth in the Criminal Code of 1961 or the Criminal Code of 2012 or any substantially similar offense in federal law, the Uniform Code of Military Justice, or state law:

- 1) Indecent solicitation of a child.
- 2) Sexual exploitation of a child.
- 3) Custodial sexual misconduct.

- 4) Exploitation of a child.
- 5) Child pornography.
- 6) Aggravated child pornography.
- 7) First degree murder.
- 8) Second degree murder.
- 9) Predatory criminal sexual assault of a child.
- 10) Aggravated criminal sexual assault.
- 11) Criminal sexual assault.
- 12) Aggravated kidnaping.

HB 1614 would create a statutory distinction between felony forfeiture as that term is defined currently, e.g., a felony conviction arising out of service in the pertinent article of the Pension Code, and the aforementioned offenses, which would not always require a person to commit the offense in connection with his or her active service.

GR:bs

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