

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 314\*

Short Title: Legislative Integrity and Pension Forfeiture. (Public)

Sponsors: Senators Berger of Rockingham; Allran, Apodaca, Berger of Franklin, Bingham, Blake, Brock, Brown, Brunstetter, Cowell, East, Forrester, Goodall, Hartsell, Hunt, Kinnaird, Pittenger, Preston, Smith, Snow, Stevens, and Tillman.

Referred to: Judiciary I (Civil).

February 26, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY CONVICTED OF CERTAIN FELONIES COMMITTED WHILE IN OFFICE AND IN THE COURSE OF THEIR OFFICIAL DUTIES SHALL FORFEIT THEIR PENSIONS UNDER THE LEGISLATIVE RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Assembly finds that:

- (1) Members of the General Assembly pledge to uphold the Constitution and laws of the United States and of the State of North Carolina;
- (2) Members of the General Assembly are elected to serve in, and pledge to uphold, the public trust;
- (3) A breach of the public trust by a member of the General Assembly is a serious offense that should incur serious consequences; and
- (4) The taxpayers of this State should not pay for the retirement benefits of a member of the General Assembly who has breached the public trust.

**SECTION 2.** Article 1A of Chapter 120 of the General Statutes is amended by adding a new section to read:

**"§ 120-4.33. Forfeit of retirement benefits for certain felonies.**

(a) 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 under the federal laws listed in subsection (b) of this section or the laws of this State listed in subsection (c) of this section, if (i) the offense is committed while serving as a member of the General Assembly; and (ii) if the conduct on which the offense is based is directly related to the person's service as a member of the General Assembly.

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

- 2 (1) A felony violation of 18 U.S.C. § 201 (Bribery of public officials and  
3 witnesses), 18 U.S.C. § 286 (Conspiracy to defraud the Government  
4 with respect to claims), 18 U.S.C. § 287 (False, fictitious or fraudulent  
5 claims), 18 U.S.C. § 371 (Conspiracy to commit offense or to defraud  
6 the United States), 18 U.S.C. § 597 (Expenditures to influence voting),  
7 18 U.S.C. § 599 (Promise of appointment by candidate), 18 U.S.C. §  
8 602 (Solicitation of political contributions), 18 U.S.C. § 606  
9 (Intimidation to secure political contributions), 18 U.S.C. § 607 (Place  
10 of solicitation), 18 U.S.C. § 641 (Public money, property, or records),  
11 18 U.S.C. § 1001 (Statements or entries generally), 18 U.S.C. § 1341  
12 (Frauds and swindles), 18 U.S.C. § 1343 (Fraud by wire, radio, or  
13 television), 18 U.S.C. § 1503 (Influencing or injuring officer or juror),  
14 18 U.S.C. § 1951 (Interference with commerce by threats or violence),  
15 18 U.S.C. § 1952 (Interstate and foreign travel or transportation in aid  
16 of racketeering enterprises), 18 U.S.C. § 1962 (Prohibited activities),  
17 or section 7201 of the Internal Revenue Code (Attempt to evade or  
18 defeat tax);
- 19 (2) Perjury committed under the statutes of the United States in falsely  
20 denying the commission of an act that constitutes an offense with the  
21 purview of a statute named in subdivision (1) of this subsection;
- 22 (3) Subornation of perjury committed in connection with the false denial  
23 of another as specified by subdivision (2) of this subsection.

24 (c) The offenses under the laws of this State covered by this section are as  
25 follows:

- 26 (1) A felony violation of Article 29, 30, or 30A of Chapter 14 of the  
27 General Statutes (Relating to bribery, obstructing justice, and secret  
28 listening) or G.S. 14-228 (Buying and selling of offices), or Article 20,  
29 22, or 22A of Chapter 163 of the General Statutes (Relating to  
30 absentee ballots, corrupt practices and other offenses against the  
31 elective franchise, and regulation of contributions and expenditures in  
32 political campaigns).
- 33 (2) Perjury committed under G.S. 14-209 in falsely denying the  
34 commission of an act that constitutes an offense within the purview of  
35 an offense listed in subdivision (1) of this subsection.
- 36 (3) Subornation of perjury committed in connection with the false denial  
37 of another as specified by subdivision (2) of this subsection."

38 **SECTION 3.** G.S. 120-4.12 is amended by adding a new subsection to read:

39 "(e1) If a member who has not vested in this System on the date that G.S. 120-4.33  
40 becomes law is convicted of an offense covered by that section, then that member shall  
41 forfeit all benefits under this System. If a member who has vested in this System on the  
42 date that G.S. 120-4.33 becomes law is convicted of an offense covered by that section  
43 for acts committed after that date, then that member is not entitled to any creditable  
44 service that accrued after the date that G.S. 120-4.33 becomes law."

1           **SECTION 4.** This act is effective when it becomes law and applies to  
2 members who are convicted of offenses on or after that date.