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HOUSE BILL NO. 695

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 51.1-124.13, relating to the Virginia Retirement System; loss of benefits for certain felonious convictions.*

Patrons—Armstrong, Marshall, D.W. and Merricks

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 51.1-124.13 as follows:

§ 51.1-124.13. Loss of benefits; certain felony convictions.

A. No person shall be entitled to any of the benefits of this title as provided in this section if (i) he is convicted of a felony, and (ii) the Board determines that the felony arose from misconduct occurring on or after July 1, 2008, in any position in which the person was a member covered for retirement purposes under any retirement system administered by the Board. Prior to making any such determination, the Board shall give the member or beneficiary reasonable prior written notice and an opportunity to be heard in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Any member or beneficiary aggrieved by such determination of the Board shall be entitled to judicial review pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The Board shall make the determination under this subsection at any time it becomes aware (a) that a member of the Virginia Retirement System has been convicted of a felony based upon conduct occurring while he was a member in service, and (b) that the conduct could have arisen from misconduct in a position in which the member was a member in service.

B. The relinquishment of future benefits under this title shall begin on the date that the Board makes the determination that the member's felony conviction arose from misconduct in any position in which the member was a member in service.

C. If the person is, or becomes a member in service after relinquishment of future benefits under subsection B, he shall be entitled to the benefits under this title based solely on his service occurring after the relinquishment.

INTRODUCED

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