**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3645**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Ballentine, Atwater, Yow, Erickson, B. Newton, Wheeler, Spires, Bennett, G.R. Smith, Martin, Stringer, Hamilton, Henderson and Herbkersman

Document Path: l:\council\bills\bbm\9611dg17.docx

Introduced in the House on February 2, 2017

Currently residing in the House Committee on **Judiciary**

Summary: Retirement benefits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2017 House Introduced and read first time ([House Journal‑page 15](file:///h:\hj\20170202.docx))

2/2/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 15](file:///h:\hj\20170202.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3645&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/2/2017](file:///p:\pprever\2017-18\3645_20170202.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9‑1‑110 SO AS TO REQUIRE THAT BEFORE TAKING A PUBLIC OFFICE IN THIS STATE, A PERSON SHALL AGREE THAT IF THE PERSON IS CONVICTED OF, PLEADS GUILTY OR NOLO CONTENDERE TO CERTAIN CRIMES, WHICH STEMMED FROM ACTIVITIES THAT OCCURRED WHILE THE PERSON WAS IN OFFICE, THEN THE PERSON FORFEITS RETIREMENT BENEFITS ATTRIBUTABLE TO THE PERSON’S SERVICE IN OFFICE, AND TO SPECIFY THAT THE FORFEITURE PROVISIONS ONLY APPLY IF THE PERSON WAS NOT A MEMBER OF THE APPLICABLE RETIREMENT SYSTEM BEFORE JULY 1, 2017.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 9 of the 1976 Code is amended by adding:

“Section 9‑1‑110. (A) Before taking a public office in this State, a person shall agree that if the person is convicted of, pleads guilty or nolo contendere to a crime that is a felony, a crime that involves moral turpitude, a crime that has a sentence of two or more years, or a crime that violates election laws, and which stemmed from activities that occurred while the person was in office, then the person forfeits retirement benefits attributable to the person’s service in office. If the provisions of this section are utilized, the applicable retirement system shall refund the person’s employee contributions attributable to the person’s service in office.

(B) This section only applies if, before July 1, 2017, the person was not a member of the retirement system of which he was a member at the time the crime was committed. Further, this section does not apply to retirement benefits attributable to earned service transferred into another retirement system upon the person taking the applicable public office.

(C) For purposes of this section:

(1) ‘Public office’ means any office of this State or political subdivision of this State, including school districts, for which the person was elected or appointed.

(2) ‘Retirement benefits’ means any benefit received by any retirement system administered pursuant to this title.

(3) ‘Retirement system’ means any retirement system administered pursuant to this title.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑