

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**1**

**HOUSE BILL 318\***

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

---

Sponsors: Representatives Stam; Cleveland, Current, Dockham, Dollar, Folwell, Hilton, Howard, Justice, Langdon, McGee, Moore, Neumann, Pate, Samuelson, Starnes, and Walend.

---

Referred to: Judiciary I.

---

February 22, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY  
2 CONVICTED OF CERTAIN FELONIES COMMITTED WHILE IN OFFICE AND  
3 IN THE COURSE OF THEIR OFFICIAL DUTIES SHALL FORFEIT THEIR  
4 PENSIONS UNDER THE LEGISLATIVE RETIREMENT SYSTEM.  
5

6 The General Assembly of North Carolina enacts:

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

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

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

19 **§ 120-4.33. Forfeit of retirement benefits for certain felonies.**

20 (a) The Board of Trustees shall not pay any retirement benefits or allowances,  
21 except for a return of member contributions plus interest, to any member who is  
22 convicted of any felony under the federal laws listed in subsection (b) of this section or  
23 the laws of this State listed in subsection (c) of this section, if (i) the offense is  
24 committed while serving as a member of the General Assembly; and (ii) if the conduct  
25 on which the offense is based is directly related to the person's service as a member of  
26 the General Assembly.

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

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

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

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

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

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