
SENATE BILL 6433

State of Washington 64th Legislature 2016 Regular Session

By Senators Bailey, Angel, Becker, Brown, Braun, Warnick, and Rolfes

Read first time 01/20/16. Referred to Committee on Ways & Means.

1 AN ACT Relating to the forfeiture of the pension of a public
2 employee convicted of a felony for misconduct associated with such
3 person's service as a public employee; adding a new section to
4 chapter 41.04 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.04
7 RCW to read as follows:

8 (1) Notwithstanding any other law, if a member of a state
9 retirement system or plan listed in RCW 41.50.030 is convicted of or
10 pleads guilty or nolo contendere to an offense that is a class 1, 2,
11 3, 4, or 5 felony that was committed in the course of, or was related
12 to, the member's employment, as a public official or public employee,
13 the court shall order the person's membership terminated and the
14 person shall forfeit all rights and benefits earned under the state
15 retirement system or plan. A member who forfeits all rights and
16 benefits earned pursuant to this section is entitled to receive, in a
17 lump sum amount, the member's contribution to the state retirement
18 system or plan without interest, less any benefits already received.

19 (2) An order forfeiting a member's benefits on conviction of an
20 offense listed in subsection (1) of this section shall not be stayed
21 on the filing of any appeal of the conviction. While an appeal of the

1 conviction is being adjudicated and until a final judgment is issued,
2 the department of retirement systems shall suspend payments to the
3 member and hold the assets in trust. If the conviction is reversed on
4 final judgment, no rights or benefits shall be forfeited.

5 (3) Notwithstanding subsection (1) of this section, the court may
6 award to a spouse, dependent, or former spouse of a member who is
7 subject to subsection (1) of this section some or all of the amount
8 that was forfeited under subsection (1) of this section. The award
9 under this subsection shall not require the department of retirement
10 systems to provide any type, form, or time of payment of survivor or
11 retirement benefits or any survivor or retirement benefit option that
12 is not provided by the laws governing the state retirement system or
13 plan from which the award is being made.

14 (4) In determining whether to make an award under subsection (3)
15 of this section, the judge shall consider the totality of
16 circumstances, including:

17 (a) The role, if any, of the person's spouse, dependent, or
18 former spouse in connection with the illegal conduct for which the
19 person was convicted;

20 (b) The degree of knowledge, if any, possessed by the person's
21 spouse, dependent, or former spouse in connection with the illegal
22 conduct for which the person was convicted;

23 (c) The community property nature of the benefits involved; and

24 (d) The extent to which the person's spouse, dependent, or former
25 spouse was relying on the forfeited benefits.

26 (5) The court shall provide a copy of the order of forfeiture to
27 the department of retirement systems.

28 (6) This section applies only to members who commit a felony
29 after the effective date of this section.

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