Louisiana Sheriffs' Pension & Relief Fund

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To: **All Liaisons**

From: **Keith Duplechain, Assistant Director**
Louisiana Sheriffs' Pension & Relief Fund

Re: **Notification of Legislation Regarding Forfeiture of Benefits**

Date: **May 24, 2013**

During the 2012 Legislative Session Acts 868 and 479, a constitutional amendment approved by the voters, were passed and signed into law. This legislation does not affect any members hired prior to January 1, 2013. It provides for the potential forfeiture of pension benefits earned after January 1, 2013 if a member is convicted of certain crimes related to their employment as a public employee. A synopsis of the Act is as follows:

- This legislation is **prospective only**, affecting the following members:
  - Individuals whose membership began on or after January 1, 2013
  - Individuals who have membership service prior to January 1, 2013, but who terminated service prior to that date and return to service on or after January 1, 2013

- Applies to "Public Corruption Crimes", which is a state or federal felony committed on or after January 1, 2013, in which the sentencing judge finds the public servant acted willfully and in the course and scope of his official capacity and the evidence establishes either of the following:
  - The public servant realized or attempted to realize a financial profit or a financial gain for himself or for a third party
  - The public servant committed any criminal sexual act with or upon the person of a minor, and there was a direct association between the public servant and the minor related to the public servant's employment

- The sentencing court will determine if the conviction warrants forfeiture or garnishment based on the following factors:
  - The nature of the offense
  - The prior service of the public servant and the appropriateness of any mitigating factors

- No provision of this law will impinge on any judicially recognized community property interest of a current or former spouse

The Act requires the Retirement Fund to provide a form to be signed by all employees with a date of hire on or after January 1, 2013, attesting to the fact that they are aware of this law. Attached to this memorandum is the attestation form to be signed by all employees. We recommend these forms be kept as part of the individual employee's personnel file. These forms are **not** to be returned to the Pension Fund. The full text of each Act is available on the Louisiana State Legislature's website and can be viewed by selecting the following links: Act 868 or Act 479.

If you have any questions or require additional information please do not hesitate to call me at 225-219-0500.

Sincerely,

Keith Duplechain
Assistant Director

Notice of Potential for Benefit Forfeiture

This form will be completed upon employment of Louisiana Sheriffs' Pension & Relief Fund eligible members hired on or after January 1, 2013. The employer will keep the form for their records.

Member Information

Name: _____

Social Security #: _____

Date of Hire: _____

As an employee of the _____ Parish Sheriff's Office, I understand that I will be enrolled in the Louisiana Sheriffs' Pension & Relief Fund.

I further understand that my retirement benefits may be forfeited if I am convicted of a public corruption crime of either of the following types:

- Public corruption crime resulting in financial gain or attempted financial gain for myself or a third party.
- Public corruption crime that involves sexual contact with a minor with whom I come in contact by virtue of my public employment.

_____ _____

Member's Signature Date