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HOUSE BILL 502

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO ELECTED OFFICIALS; REQUIRING AN ELECTED OFFICIAL WHO IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A CORRUPTION OFFENSE TO FORFEIT ALL SERVICE CREDIT ACCRUED AS AN ELECTED OFFICIAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Public Employees Retirement Act is enacted to read:

"[NEW MATERIAL] ELECTED OFFICIALS--FORFEITURE OF SERVICE CREDIT ACCRUED--DEFINITION.--

A. All service credit associated with service as an elected official shall be forfeited if the elected official is convicted of or pleads guilty or nolo contendere to a corruption offense committed during a term of office as an elected official.

.205203.9

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1           B. Only service credit accrued during time served  
2 as an elected official pursuant to the provisions of the Public  
3 Employees Retirement Act shall be forfeited, and the member  
4 contributions paid by the elected official during time served  
5 as an elected official shall be refunded.

6           C. Service credit accrued, if any, by the elected  
7 official during employment by an affiliated public employer  
8 shall not be forfeited.

9           D. If the public official has retired and:

10                   (1) has not received an amount in pension  
11 payments equal to the amount of member contributions paid  
12 during time served as a public official, the difference between  
13 the amount of pension payments received and the amount of  
14 member contributions paid during time served as a public  
15 official shall be refunded to the public official; or

16                   (2) has received an amount in pension payments  
17 equal to or greater than the amount of member contributions  
18 paid during time served as a public official, no member  
19 contributions shall be refunded and the public official shall  
20 not be required to pay back any pension payments received.

21           E. If a public official who forfeits service credit  
22 pursuant to this section has been receiving a pension based in  
23 part on service credit accrued during employment by an  
24 affiliated public employer, that pension shall be recalculated  
25 without the forfeited service credit of the public official.

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1 F. The provisions of this section do not apply to  
2 the Judicial Retirement Act or the Magistrate Retirement Act.

3 G. As used in this section, "corruption offense"  
4 means:

5 (1) a first, second or third degree felony  
6 conviction for:

7 (a) fraud, as provided in Section  
8 30-16-6 NMSA 1978;

9 (b) embezzlement, as provided in Section  
10 30-16-8 NMSA 1978;

11 (c) extortion, as provided in Section  
12 30-16-9 NMSA 1978;

13 (d) forgery, as provided in Section  
14 30-16-10 NMSA 1978;

15 (e) bribery of public officer or public  
16 employee, as provided in Section 30-24-1 NMSA 1978;

17 (f) demanding or receiving bribe by  
18 public officer or public employee, as provided in Section  
19 30-24-2 NMSA 1978;

20 (g) bribery or intimidation of a witness  
21 or retaliation against a witness, as provided in Section  
22 30-24-3 NMSA 1978;

23 (h) racketeering, as provided in the  
24 Racketeering Act;

25 (i) a computer crime, as provided in the

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1 Computer Crimes Act; and  
2 (j) money laundering, as provided in the  
3 Money Laundering Act; and  
4 (2) any conviction for:  
5 (a) perjury, as provided in Section  
6 30-25-1 NMSA 1978;  
7 (b) soliciting or receiving a kickback,  
8 bribe or rebate, as provided in Section 30-41-1 NMSA 1978;  
9 (c) offering or paying a kickback, bribe  
10 or rebate, as provided in Section 30-41-2 NMSA 1978; and  
11 (d) conspiracy to commit any of the  
12 offenses set forth in this subsection, as provided in Section  
13 30-28-2 NMSA 1978."