
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 10
by Representative Ligi

1 AMENDMENT NO. 1

2 On page 1, line 5, change "require the" to "provide relative to"

3 AMENDMENT NO. 2

4 On page 1, line 7, after "offices;" insert "to provide relative to amounts awarded to spouses
5 or dependents; to provide relative to restitution; to provide relative to the rights of spouses
6 and former spouses;"

7 AMENDMENT NO. 3

8 On page 2, delete line 10 in its entirety and delete the remainder of the page in its entirety
9 and on page 3 delete lines 1 through 26 in their entirety and insert in lieu thereof:

10 "(2) "Public corruption crime" means a state or federal felony committed on
11 or after January 1, 2013, in which the sentencing judge finds the public servant acted
12 willfully and in the course and scope of his official capacity and the evidence
13 establishes any of the following:

14 (a) The public servant realized or attempted to realize a financial profit or a
15 financial gain for himself or for a third party.

16 (b) The public servant committed any criminal sexual act with or upon the
17 person of a minor, and there was a direct association between the public servant and
18 the minor related to the public servant's employment."

19 AMENDMENT NO. 4

20 On page 4, line 13, after "B.(1)" delete the remainder of the page in its entirety and on page
21 5 delete lines 1 through 11 in their entirety and insert the following in lieu thereof:

22 "Following the conviction of a public corruption crime, the sentencing court
23 shall determine if the conviction warrants forfeiture as provided in this Subsection
24 or garnishment as provided in R.S. 11:292. In order to determine the appropriate
25 remedy the sentencing court shall review the following factors:

26 (a) The nature of the offense.

27 (b) The prior service of the public servant and the appropriateness of any
28 mitigating factors.

29 (2)(a) If the court determines that forfeiture is appropriate, the court may
30 order the forfeiture of the public servant's right to receive any benefit or payment of
31 any kind under this Title except a return of the amount contributed by the public
32 servant to the retirement system without interest, subject to Subparagraph (b) of this
33 Paragraph.

34 (b) If the court orders the public servant to make restitution to the state or
35 any political subdivision of the state for monetary loss incurred as a result of the
36 public corruption crime for which he is convicted, the court may order restitution to
37 be paid from the amount contributed by the public servant to the retirement system.

38 (c) Subject to the requirements of Paragraph (3) of this Subsection, the court
39 may award to the member's spouse, dependent, or former spouse, as an alternate
40 payee, some or all of the amount that, but for the order of forfeiture under
41 Subparagraph (a) of this Paragraph, may otherwise be payable. Upon order of the
42 court, the retirement system shall provide information concerning the member's
43 membership that the court considers relevant to the determination of the amount of

1 an award under this Paragraph. In determining the award, the court shall consider the
2 totality of the circumstances, including but not limited to:

3 (i) The role, if any, of the member's spouse, dependent, or former spouse in
4 connection with the crime.

5 (ii) The degree of knowledge, if any, possessed by the member's spouse,
6 dependent, or former spouse in connection with the crime.

7 (3) An award ordered under Subparagraph (2)(c) of this Subsection may not
8 require the retirement system to:

9 (a) Provide a type or form of benefit or an option not otherwise provided by
10 the retirement system.

11 (b) Provide increased benefits determined on the basis of actuarial value.

12 (c) Take an action contrary to the system's governing laws or plan provisions
13 other than the direct payment of the benefit awarded to the spouse, dependent, or
14 former spouse.

15 (4) All of the convicted public servant's service credit attributable to
16 employer contributions and interest on those contributions that are not otherwise
17 assigned pursuant to Subparagraph (2)(c) of this Subsection shall be forfeited, and
18 any dollar amount of such employer contributions and interest, together with any
19 funds in the individual's deferred retirement option plan account, shall be applied to
20 reducing the balance of the unfunded accrued liability of the system in a manner
21 determined by the system's board of trustees. If the system has no unfunded accrued
22 liability, the employer contributions and interest shall revert to the system's trust.

23 C. Notwithstanding the provisions of Subsection B of this Section, survivor
24 benefits being received by the surviving unmarried spouse, the surviving minor
25 child, or the surviving physically or mentally handicapped child who is entitled to
26 a survivor benefit of a deceased public servant convicted of a public corruption crime
27 shall be based solely on the amount of the public servant's benefit forfeited to the
28 retirement system and shall not be based on any amount remitted to the public
29 servant.

30 D. No provision of this Section shall impinge on any judicially recognized
31 community property interest of a current or former spouse."

32 AMENDMENT NO. 5

33 On page 5, line 16, after "F.(1)" delete the remainder of the line in its entirety and delete
34 lines 17 through 29 and on page 6, delete lines 1 through 9 in their entirety and at the
35 beginning of line 10 delete "G.(1)"

36 AMENDMENT NO. 6

37 On page 6, delete lines 20 through 22 in their entirety.

38 AMENDMENT NO. 7

39 On page 6, line 25, between "Bill No." and "of this" insert "9"