

Senate Study Bill 3051 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WORKFORCE BILL BY CHAIRPERSON
DICKEY)

A BILL FOR

1 An Act relating to public retirement systems by allowing for the
2 forfeiture of certain portions of the pension of a public
3 employee who commits a felony.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **97D.6 Revocation of rights to**
2 **pension.**

3 1. As used in this section:

4 a. "*Bona fide retirement*" means the retirement of a vested
5 member of the system who is eligible to receive benefits under
6 the system.

7 b. "*Conviction*" means a plea of guilty or no contest or a
8 verdict of guilty.

9 c. "*Public employee*" means any individual who is employed by
10 a public employer and is entitled to a pension under chapter 97A,
11 97B, or 602. "*Public employee*" includes a public official as
12 defined in section 68B.2.

13 d. "*Public employer*" means the state, its boards,
14 commissions, agencies, and departments, and its political
15 subdivisions including school districts and other special purpose
16 districts.

17 e. "*System*" means the Iowa department of public safety peace
18 officers' retirement, accident, and disability system under
19 chapter 97A; the Iowa public employees' retirement system under
20 chapter 97B; and the judicial retirement system under chapter
21 602.

22 2. In addition to any other penalties provided by law, upon
23 the conviction of a public employee for a felony, the public
24 employee shall lose all rights in and to the public employee's
25 pension under a system prior to a bona fide retirement and the
26 pension shall be revoked by the system.

27 3. If a public employee is convicted of a felony, the
28 clerk of the district court shall notify the applicable system
29 that a public employee has been so convicted. Any accumulated
30 contributions made by the public employee to the system that
31 have not already been returned to the public employee shall be
32 returned to the public employee. Any benefits received by the
33 public employee in excess of the public employee's contributions
34 shall be returned to the system.

35 4. The portion of the revoked pension that is not

1 attributable to contributions made to the system by the public
2 employee shall be considered property subject to forfeiture under
3 chapter 809A, and the public employee shall not be entitled to
4 such portion of the pension as a matter of law, and the system
5 shall proceed under the procedures of chapter 809A to seize such
6 portion of the pension.

7 5. This section shall not be construed in a manner that
8 impairs the rights of any individual under a marital property,
9 spousal support, or child support order. In addition, this
10 section shall not be construed to impair the statutory rights
11 of a governmental entity, including but not limited to the right
12 of a governmental entity to collect an amount from the public
13 employee for deposit in the victim compensation fund established
14 in chapter 915.

15 Sec. 2. Section 602.8102, Code 2026, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 16. Notify the applicable system as defined
18 in section 97D.6 of a felony conviction by a public employee as
19 required in section 97D.6, subsection 3.

20 Sec. 3. Section 809A.4, Code 2026, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 6A. The portion of a revoked pension not
23 attributable to the contributions of a public employee as
24 described in section 97D.6.

25 Sec. 4. Section 901.5, Code 2026, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 15. If the defendant is a public employee
28 convicted of a felony as described in section 97D.6, the court
29 shall inform the defendant that portions of the pension of the
30 public employee are subject to revocation pursuant to section
31 97D.6 and forfeiture under chapter 809A.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to public retirement systems by allowing for

1 the forfeiture of certain portions of the pension of a public
2 employee who commits a felony.

3 The bill defines "public employee" to mean an individual who
4 is employed by a public employer and is entitled to a pension
5 under Code chapter 97A (Iowa department of public safety peace
6 officers' retirement, accident, and disability system), 97B (Iowa
7 public employees' retirement system), or 602 (judicial retirement
8 system). "Public employee" also includes a public official as
9 defined in Code section 68B.2.

10 In addition to any other penalties provided by law, the bill
11 provides that upon the conviction of a public employee for a
12 felony, the public employee shall lose all rights in the public
13 employee's pension under a public retirement system prior to a
14 bona fide retirement and the pension shall be revoked by the
15 system.

16 If convicted, the clerk of the district court is required
17 to notify the applicable retirement system. Any accumulated
18 contributions made by the public employee to the system shall be
19 returned to the public employee. Any benefits received by the
20 public employee in excess of the public employee's contributions
21 shall be returned to the system.

22 Under the bill, the portion of the revoked pension that is not
23 attributable to contributions made to the system by the public
24 employee shall be considered property subject to forfeiture
25 under Code chapter 809A, and the system shall proceed under the
26 procedures of Code chapter 809A to seize such portion of the
27 pension.

28 The bill shall not be construed in a manner that impairs
29 the rights of any individual under a marital property, spousal
30 support, or child support order. In addition, the bill shall
31 not be construed to impair the statutory rights of a governmental
32 entity to collect an amount from the public employee for deposit
33 in the victim compensation fund established in Code chapter 915.