

SB 615

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 615

(By Senator Wooten, et al)

PASSED March 9, 2002

In Effect 90 days from Passage

FILED

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SECRETARY OF STATE

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Senate Bill No. 615

(BY SENATORS WOOTON, CALDWELL, FANNING, HUNTER,
KESSLER, MINARD, MITCHELL, OLIVERIO, REDD,
ROSS, ROWE, FACEMYER AND MCKENZIE)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article ten-a, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to disqualification for public retirement benefits; setoffs against unpaid benefits; and freezing of moneys pending court resolution where theft of government moneys occurs.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten-a, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10A. DISQUALIFICATION FOR PUBLIC RETIREMENT PLAN BENEFITS.

§5-10A-8. Setoff; unpaid benefits subject to execution, freezing of account upon finding of probable cause.

1 (a) The state of West Virginia or any of its political
2 subdivisions shall have the right of setoff against any
3 unpaid benefits which have accrued or may thereafter
4 accrue under the plan, including any contributions by the
5 participant, for any claim caused by less than honorable
6 service by the participant.

7 (b) Notwithstanding any provision of this article to the
8 contrary, upon being notified by an agency of the state of
9 West Virginia or any of its political subdivisions that an
10 employee has been charged by criminal complaint, indict-
11 ment or information with an offense which constitutes less
12 than honorable service and larceny of funds or property
13 from a state agency or political subdivision, the retirement
14 board shall withhold payment or refunding of any partici-
15 pant contributions until it receives an order from a court
16 of competent jurisdiction reflecting that the charge has
17 been dismissed, the participant found not guilty or order-
18 ing the release of all or part of the funds or directing
19 restitution to the state or political subdivision.

20 (c) Notwithstanding any provision of the law to the
21 contrary, any unpaid benefits which have accrued or may
22 thereafter accrue shall be subject to execution, garnish-
23 ment, attachment or any other legal process for collection
24 of a judgment for the recovery of loss or damages incurred
25 by the state or its political subdivision, caused by the
26 participant's less than honorable service.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2002.
[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/02

Time 3:20 