



FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.S.B. No. 7 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Article 42.01, Code of Criminal Procedure, is
5 amended by adding Section 12 to read as follows:

6 Sec. 12. In addition to the information described by
7 Section 1, the judgment should reflect affirmative findings entered
8 pursuant to Article 42.0192.

9 SECTION _____. Chapter 42, Code of Criminal Procedure, is
10 amended by adding Article 42.0192 to read as follows:

11 Art. 42.0192. FINDING REGARDING OFFENSE RELATED TO
12 PERFORMANCE OF PUBLIC SERVICE. (a) In the trial of an offense
13 described by Section 824.009, Government Code, the judge shall make
14 an affirmative finding of fact and enter the affirmative finding in
15 the judgment in the case if the judge determines that the offense
16 committed was related to the defendant's employment described by
17 Section 824.009(b), Government Code, while a member of the Teacher
18 Retirement System of Texas.

19 (b) A judge who makes the affirmative finding described by
20 this article shall make the determination and provide the notice
21 required by Section 824.009(1), Government Code, as applicable.

22 SECTION _____. Subchapter A, Chapter 824, Government Code, is
23 amended by adding Section 824.009 to read as follows:

24 Sec. 824.009. CERTAIN EMPLOYEES AND ANNUITANTS INELIGIBLE
25 FOR RETIREMENT ANNUITY; RESUMPTION OR RESTORATION OF ELIGIBILITY.

26 (a) In this section, "qualifying felony" means an offense that is
27 punishable as a felony under the following sections of the Penal
28 Code:

29 (1) Section 21.02 (continuous sexual abuse of young

1 child or children);

2 (2) Section 21.12 (improper relationship between
3 educator and student); or

4 (3) Section 22.011 (sexual assault) or Section 22.021
5 (aggravated sexual assault).

6 (a-1) In this section, a "qualifying felony" includes any
7 federal offense that contains elements that are substantially
8 similar to the elements of a felony offense described in Subsection
9 (a).

10 (b) This section applies only to a person who is a member or
11 an annuitant of the retirement system and is or was an employee of
12 the public school system.

13 (c) Except as provided by Subsection (e), a person is not
14 eligible to receive a service retirement annuity from the
15 retirement system if the person is convicted of a qualifying felony
16 the victim of which is a student.

17 (d) The retirement system shall suspend payments of an
18 annuity to a person who is not eligible to receive a service
19 retirement annuity under Subsection (c), as determined by the
20 retirement system, on receipt by the retirement system of:

21 (1) notice of a conviction for a qualifying felony
22 under Subsection (f) or (1);

23 (2) notice of a conviction for a qualifying felony
24 from a district court or district attorney; or

25 (3) any other information the retirement system
26 determines by rule is sufficient to establish a conviction for a
27 qualifying felony.

28 (e) A person whose conviction is overturned on appeal or who
29 meets the requirements for innocence under Section 103.001(a)(2),
30 Civil Practice and Remedies Code:

31 (1) is entitled to receive an amount equal to the

1 accrued total of payments and interest earned on the payments
2 withheld during the suspension period; and

3 (2) may resume receipt of annuity payments on payment
4 to the retirement system of an amount equal to the contributions
5 refunded to the person under Subsection (g).

6 (f) Not later than the 30th day after the date of a person's
7 conviction for a qualifying felony, the school at which the person
8 was employed shall provide written notice of the conviction to the
9 retirement system. The notice must comply with rules adopted by the
10 board of trustees under Subsection (k).

11 (g) A person who is not eligible to receive a service
12 retirement annuity under Subsection (c) is entitled to a refund of
13 the person's retirement annuity contributions, including interest
14 earned on those contributions.

15 (h) Benefits payable to an alternate payee under Chapter 804
16 who is recognized by a domestic relations order established before
17 September 1, 2017, are not affected by a person's ineligibility to
18 receive a retirement annuity under Subsection (c).

19 (i) On conviction of a person for a qualifying felony, a
20 court may, in the interest of justice and in the same manner as in a
21 divorce proceeding, award half of the service retirement annuity
22 forfeited by the person as the separate property of an innocent
23 spouse if the annuity is partitioned or exchanged by written
24 agreement of the spouses as provided by Subchapter B, Chapter 4,
25 Family Code. The amount awarded to the innocent spouse may not be
26 converted to community property.

27 (j) Ineligibility for a retirement annuity under this
28 section does not impair a person's right to any other retirement
29 benefit for which the person is eligible.

30 (k) The board of trustees of the retirement system shall
31 adopt rules and procedures to implement this section.

1 (1) A court shall notify the retirement system of the terms
2 of a person's conviction of a qualifying felony.

3 SECTION _____. Section 12, Article 42.01, Code of Criminal
4 Procedure, and Article 42.0192, Code of Criminal Procedure, as
5 added by this Act, apply only to a judgment of conviction entered on
6 or after the effective date of this Act.

7 SECTION _____. Not later than December 31, 2017, the board of
8 trustees of the Teacher Retirement System of Texas shall adopt the
9 rules necessary to implement Section 824.009, Government Code, as
10 added by this Act.

11 SECTION _____. Section 824.009, Government Code, as added by
12 this Act, applies only to an offense committed on or after the
13 effective date of rules adopted in accordance with that section. An
14 offense committed before that date is governed by the law in effect
15 on the date the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this section,
17 an offense was committed before the effective date of rules adopted
18 in accordance with 824.009, Government Code, as added by this Act,
19 if any element of the offense occurred before that date.