

SBCERS

Santa Barbara County Employees' Retirement System

DATE: April 23, 2025

TO: SBCERS Board of Retirement

FROM: Cristal Rodriguez, General Counsel

RE: **Felony Forfeiture Policy**

Recommendation

That the Board of Retirement approve the Felony Forfeiture Policy with amendments as recommended by the Operations Committee, or provide direction to the Operations Committee and staff for further amendment or research on the policy.

Summary

The California Public Employees' Pension Reform Act of 2013 ("PEPRA") requires forfeiture of "all accrued rights and benefits in any public retirement system" by any public employee convicted of a felony, as of the earliest date of the crime, "for conduct arising out of or in the performance of his or her official duties, in pursuit of the office or appointment, or in connection with obtaining salary, disability retirement, service retirement, or other benefits."

Gov. Code §7522.72, establishes a procedure for pension forfeiture for any public employee first employed, elected, or appointed to an office before January 1, 2013. Gov. Code §7522.74 establishes a similar procedure for pension forfeiture for any public employee first employed, elected, or appointed to an office after January 1, 2013. In keeping with this requirement, the Board of Retirement has adopted the attached Felony Forfeiture policy.

The proposed policy revisions for this review cycle include clarifying the impact to a forfeited benefit in case of a reduction in sentence or expungement of the conviction following the conviction. Additionally, staff recommends that that Policy be scheduled for review at least every five years; a change from every three years. This aligns with the Board's Policy Development Process for mature policies that have undergone multiple prior reviews.

Attachments

- Felony Forfeiture Policy – Proposed
- Felony Forfeiture Policy – Proposed redline