

# Forfeiture of Benefits



SJCERA Employer Notice ~ December 28, 2023

## Forfeiture of Benefits

A member who has been convicted of certain felonies (described below) on or after January 1, 2013, forfeits all accrued rights and benefits in any California public retirement system in which they are a member at the time the felony is committed. The forfeiture of rights and benefits is retroactive to the earliest date of the commission of the crime, and the member cannot accrue further benefits in that public retirement system. (Government Code sections 7522.72 and 7522.74)

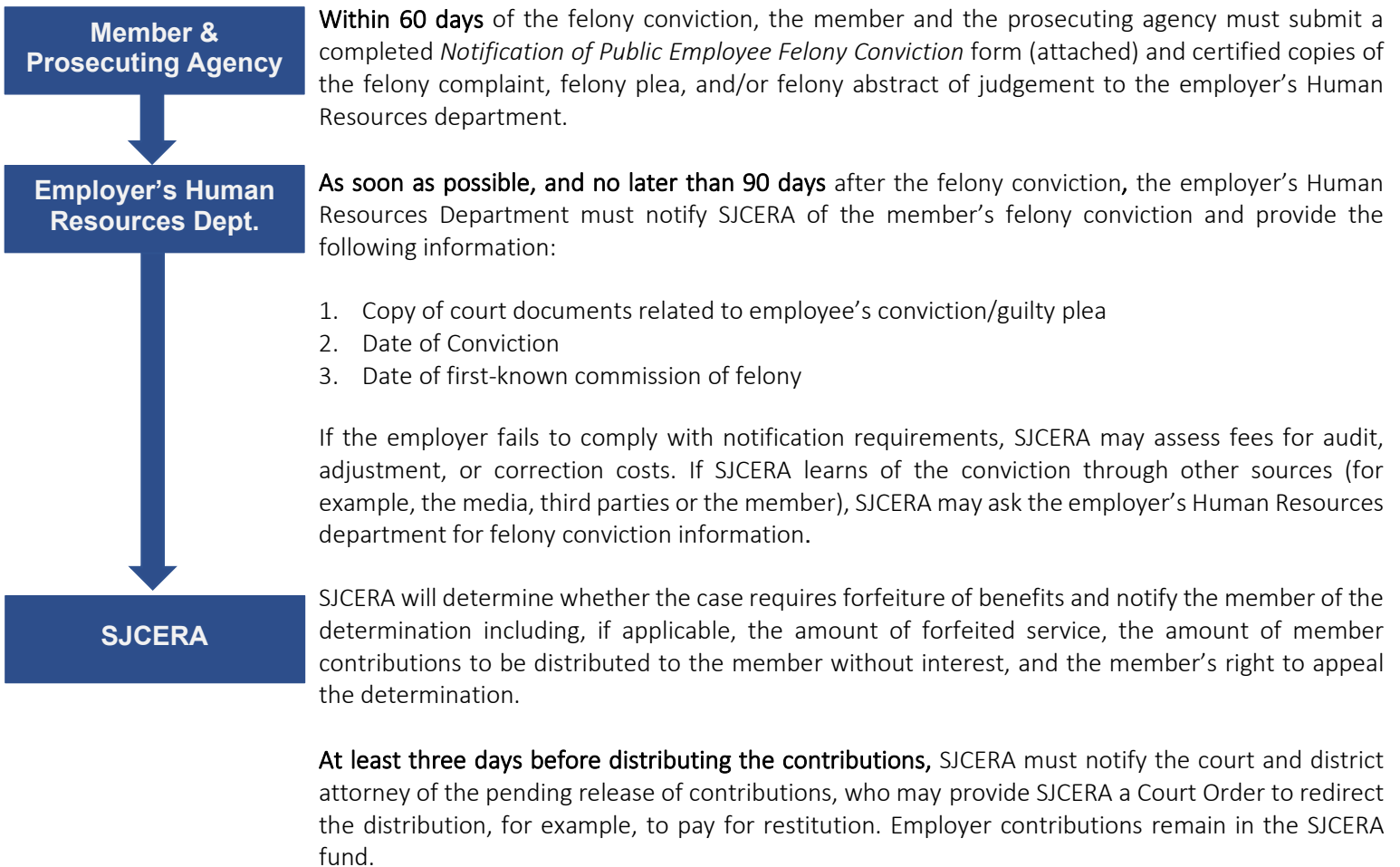
### Felonies Requiring Forfeiture of Benefits

A member must forfeit all accrued rights and benefits if their felony conviction was for conduct:

- Arising out of or in the performance of their official duties or
- In pursuit of their office or appointment or
- In connection with obtaining salary, disability or service retirement, or other benefits or
- Against or involving a child with whom the member has contact as part of their official duties

### Roles, Responsibilities, and Timelines

The law requires the employer, member, prosecuting agency, and retirement system take certain actions by specific deadlines.



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## Member Considerations

### Retirement

If the member has enough service credit remaining to qualify for retirement after the forfeited service is removed, the member may apply for retirement when they meet the minimum age requirement. The benefit the member receives will be based on the service credit and compensation earned prior to the date the felony was committed.

### Accruing SJCERA Benefits after Forfeiture Prohibited

After a conviction and subsequent forfeiture of retirement benefits, a member cannot return to SJCERA-covered employment and accrue further benefits with SJCERA.

### Recovery of Rights and Benefits after Reversal of Conviction

In cases where the conviction is reversed and the decision is final, the member may recover their forfeited rights and benefits in one of two ways.

1. **Full Restoration by Redepositing.** The member may redeposit contributions from the forfeited period plus interest. This will restore the member's service credit and earnings previously forfeited rights and benefits.
2. **Adjusted Restoration without Redepositing.** If the member does not redeposit the contributions from the forfeited period, their rights and benefits may still be restored, adjusted for the contributions SJCERA disbursed.

To request this material in an alternative format, call 209.468.2163, or TTY 711.

This fact sheet is intended to provide information as simply and accurately as possible. If a conflict arises between the applicable law or executive order, and any statement in this fact sheet, the law or order will govern.