

HOUSE BILL 1251

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11r0154

By: **Chair, Appropriations Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System – Special Disability Retirement Allowance –**
3 **Forfeiture**

4 FOR the purpose of prohibiting certain members or former members of the State
5 Police Retirement System who are charged with committing certain criminal
6 offenses from applying for a certain special disability retirement allowance;
7 requiring the Board of Trustees of the State Retirement and Pension System to
8 temporarily suspend the application process for a certain special disability
9 retirement allowance if the member or former member applying for the certain
10 special disability retirement allowance has been charged with committing
11 certain criminal offenses; requiring the Board of Trustees to terminate a certain
12 special disability application process of certain members or former members
13 under certain circumstances; providing that certain members or former
14 members may apply for a certain special disability retirement allowance or
15 resume the application process for a certain special disability retirement
16 allowance under certain circumstances; requiring the Secretary of State Police
17 to report certain information to the Board of Trustees; providing that a person is
18 convicted of a criminal offense for purposes of certain provisions of this Act
19 under certain circumstances; defining a certain term; and generally relating to
20 members and former members of the State Police Retirement System forfeiting
21 certain rights to a special disability retirement allowance following the
22 conviction of criminal offenses.

23 BY adding to

24 Article – State Personnel and Pensions

25 Section 29–119

26 Annotated Code of Maryland

27 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – State Personnel and Pensions**

4 **29–119.**

5 (A) IN THIS SECTION, “CRIMINAL OFFENSE” MEANS:

6 (1) ANY CRIME OF VIOLENCE, AS PROVIDED UNDER § 14–101 OF
7 THE CRIMINAL LAW ARTICLE;

8 (2) FELONY THEFT, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF
9 THE CRIMINAL LAW ARTICLE;

10 (3) FORGERY, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF THE
11 CRIMINAL LAW ARTICLE;

12 (4) IDENTIFICATION FRAUD, AS PROVIDED UNDER TITLE 8,
13 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

14 (5) PERJURY, AS PROVIDED UNDER TITLE 9, SUBTITLE 1 OF THE
15 CRIMINAL LAW ARTICLE;

16 (6) BRIBERY, AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THE
17 CRIMINAL LAW ARTICLE;

18 (7) FILING A FALSE REPORT, AS PROVIDED UNDER TITLE 9,
19 SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE;

20 (8) WITNESS INTIMIDATION, AS PROVIDED UNDER TITLE 9,
21 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

22 (9) OBSTRUCTION OF JUSTICE, AS PROVIDED UNDER § 9–306 OF
23 THE CRIMINAL LAW ARTICLE;

24 (10) SEXUAL OFFENSES, AS PROVIDED UNDER TITLE 3, SUBTITLE
25 3 OF THE CRIMINAL LAW ARTICLE;

26 (11) CHILD PORNOGRAPHY, AS PROVIDED UNDER § 11–207 OF THE
27 CRIMINAL LAW ARTICLE;

28 (12) EXTORTION, AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF
29 THE CRIMINAL LAW ARTICLE;

1 **(13) CONTROLLED DANGEROUS SUBSTANCE VIOLATIONS, AS**
2 **PROVIDED UNDER TITLE 5, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE;**

3 **(14) STALKING, AS PROVIDED UNDER TITLE 3, SUBTITLE 8 OF THE**
4 **CRIMINAL LAW ARTICLE;**

5 **(15) RECKLESS ENDANGERMENT, AS PROVIDED UNDER TITLE 3,**
6 **SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE; OR**

7 **(16) THE COMMON LAW CRIME OF MISCONDUCT IN OFFICE.**

8 **(B) FOR THE PURPOSES OF THIS SECTION, A PERSON IS CONVICTED OF**
9 **A CRIMINAL OFFENSE WHEN THE PERSON:**

10 **(1) IS FOUND GUILTY OF THE CRIMINAL OFFENSE BY A JURY OR**
11 **JUDICIAL OFFICER;**

12 **(2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE; OR**

13 **(3) IS GRANTED PROBATION BEFORE JUDGMENT.**

14 **(C) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF A MEMBER OR**
15 **FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS CHARGED**
16 **WITH COMMITTING A CRIMINAL OFFENSE THAT OCCURRED WHILE THE MEMBER**
17 **OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE:**

18 **(1) THE MEMBER OR FORMER MEMBER MAY NOT APPLY FOR A**
19 **SPECIAL DISABILITY RETIREMENT UNDER § 29-103 OF THIS SUBTITLE; AND**

20 **(2) IF THE MEMBER OR FORMER MEMBER HAS APPLIED FOR A**
21 **SPECIAL DISABILITY RETIREMENT UNDER § 29-103 OF THIS SUBTITLE, THE**
22 **BOARD OF TRUSTEES SHALL TEMPORARILY SUSPEND THE MEMBER'S OR**
23 **FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS.**

24 **(D) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF A MEMBER OR**
25 **FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS CONVICTED**
26 **OF A CRIMINAL OFFENSE COMMITTED WHILE THE MEMBER OR FORMER**
27 **MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE, THE BOARD**
28 **OF TRUSTEES SHALL TERMINATE ANY SPECIAL DISABILITY RETIREMENT**
29 **APPLICATION OF THE MEMBER OR FORMER MEMBER.**

30 **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE**
31 **MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS**

1 ACQUITTED OF THE CHARGES OR THE CHARGES AGAINST THE MEMBER OR
2 FORMER MEMBER ARE DISMISSED OR PLACED ON A STET DOCKET:

3 (I) THE MEMBER OR FORMER MEMBER MAY APPLY FOR A
4 SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS
5 SUBTITLE; AND

6 (II) IF THE BOARD OF TRUSTEES HAS SUSPENDED THE
7 MEMBER'S OR FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS,
8 THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS.

9 (2) IF AT ANY TIME CHARGES FOR A CRIMINAL OFFENSE THAT
10 OCCURRED WHILE THE MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE
11 DEPARTMENT OF STATE POLICE ARE REMOVED FROM THE STET DOCKET FOR
12 THE PURPOSES OF RESUMING CRIMINAL PROCEEDINGS, THE PROVISIONS OF
13 SUBSECTION (C) OF THIS SECTION SHALL APPLY AGAIN UNLESS THE SPECIAL
14 DISABILITY ALLOWANCE WAS FINALLY GRANTED OR REJECTED BY THE BOARD
15 OF TRUSTEES.

16 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE
17 CONVICTION OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE
18 RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED WHILE THE
19 MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE
20 POLICE IS OVERTURNED ON APPEAL:

21 (I) THE MEMBER OR FORMER MEMBER MAY APPLY FOR A
22 SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS
23 SUBTITLE; AND

24 (II) IF THE BOARD OF TRUSTEES HAS TERMINATED THE
25 MEMBER'S OR FORMER MEMBER'S SPECIAL DISABILITY APPLICATION PROCESS,
26 THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS.

27 (2) IF THE APPELLATE COURT REMANDS THE CRIMINAL CASE
28 FOR A NEW TRIAL, THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION
29 SHALL APPLY AGAIN UNLESS THE SPECIAL DISABILITY ALLOWANCE WAS
30 FINALLY GRANTED OR REJECTED BY THE BOARD OF TRUSTEES.

31 (G) ON RECEIVING NOTICE FROM THE BOARD OF TRUSTEES THAT A
32 MEMBER OR FORMER MEMBER OF THE DEPARTMENT OF STATE POLICE HAS
33 FILED FOR A SPECIAL DISABILITY BENEFIT, THE SECRETARY OF THE
34 DEPARTMENT OF STATE POLICE SHALL NOTIFY THE BOARD OF TRUSTEES IF
35 THAT PERSON WAS CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE
36 THAT OCCURRED WHILE EMPLOYED BY THE DEPARTMENT OF STATE POLICE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.