

HOUSE BILL 377

K4, E4

4lr1240

By: **Delegates Anderson, Arora, Bates, Beidle, Clippinger, Cluster, Glass, Glenn, Hammen, Jacobs, Kipke, McComas, McDermott, McHale, Mitchell, Niemann, Norman, Oaks, Otto, Proctor, Rosenberg, Smigiel, Szeliga, Tarrant, and Vallario**

Introduced and read first time: January 23, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Department of Public Safety and**
3 **Correctional Services Employees – Forfeiture of Retirement Benefits for**
4 **Criminal Conviction**

5 FOR the purpose of prohibiting the payment of certain retirement benefits payable
6 from the State Retirement and Pension System to certain employees of the
7 Department of Public Safety and Correctional Services who are convicted of or
8 enter a plea of nolo contendere for certain crimes; requiring a certain court to
9 order the forfeiture of certain retirement benefits under certain circumstances;
10 providing for the return of certain accumulated contributions under certain
11 circumstances; requiring a certain court to order the restoration of certain
12 retirement benefits under certain circumstances; requiring a certain clerk of the
13 court to provide a certain order to the Board of Trustees for the State
14 Retirement and Pension System within a certain period of time; providing for
15 the application of this Act; and generally relating to the forfeiture of certain
16 retirement benefits by employees of the Department of Public Safety and
17 Correctional Services with a criminal conviction.

18 BY adding to

19 Article – State Personnel and Pensions

20 Section 21–701 to be under the new subtitle “Subtitle 7. Forfeiture of Benefits”

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2013 Supplement)

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

25 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 7. FORFEITURE OF BENEFITS.**

2 **21-701.**

3 **(A) THIS SECTION APPLIES ONLY TO A CRIME THAT IS:**

4 **(1) COMMITTED BY AN EMPLOYEE OF THE DEPARTMENT OF**
5 **PUBLIC SAFETY AND CORRECTIONAL SERVICES WHILE THE EMPLOYEE IS**
6 **PERFORMING THE DUTIES AND RESPONSIBILITIES OF THE JOB; AND**

7 **(2) SUBJECT TO A PENALTY OF AT LEAST 1 YEAR OF**
8 **INCARCERATION.**

9 **(B) BENEFITS UNDER DIVISION II OF THIS ARTICLE MAY NOT BE PAID**
10 **AND ARE NOT PAYABLE TO AN INDIVIDUAL OR THE INDIVIDUAL'S BENEFICIARY**
11 **IF AN INDIVIDUAL IS FOUND GUILTY OF OR ENTERS A PLEA OF NOLO**
12 **CONTENDERE FOR A CRIME UNDER SUBSECTION (A) OF THIS SECTION.**

13 **(C) (1) IF AN INDIVIDUAL IS FOUND GUILTY OF OR ENTERS A PLEA OF**
14 **NOLO CONTENDERE FOR A CRIME UNDER SUBSECTION (A) OF THIS SECTION,**
15 **THE COURT THAT ENTERS THE GUILTY JUDGMENT OR ACCEPTS THE PLEA OF**
16 **NOLO CONTENDERE SHALL ISSUE AN ORDER REQUIRING ALL BENEFITS UNDER**
17 **DIVISION II OF THIS ARTICLE TO BE FORFEITED BY THE INDIVIDUAL AND THE**
18 **INDIVIDUAL'S BENEFICIARY.**

19 **(2) AN INDIVIDUAL SUBJECT TO A FORFEITURE ORDER UNDER**
20 **PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A RETURN OF THE**
21 **INDIVIDUAL'S ACCUMULATED CONTRIBUTIONS, LESS ANY BENEFIT PAYMENTS**
22 **ALREADY MADE.**

23 **(D) IF THE CONVICTION OF THE INDIVIDUAL FOR A CRIME UNDER**
24 **SUBSECTION (A) OF THIS SECTION IS REVERSED OR OVERTURNED, THE COURT**
25 **THAT REVERSES OR OVERTURNS THE CONVICTION SHALL ISSUE AN ORDER**
26 **REQUIRING THE BENEFITS THAT ARE PAYABLE UNDER DIVISION II OF THIS**
27 **ARTICLE TO THE INDIVIDUAL OR THE INDIVIDUAL'S BENEFICIARY TO BE**
28 **RESTORED.**

29 **(E) THE CLERK OF THE COURT IN WHICH AN ORDER IS ISSUED UNDER**
30 **SUBSECTION (C)(1) OR (D) OF THIS SECTION SHALL PROVIDE A COPY OF THE**
31 **ORDER TO THE BOARD OF TRUSTEES WITHIN 30 DAYS OF THE DATE THE ORDER**
32 **IS ISSUED.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any crime committed before the effective date of this
4 Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2014.