

HOUSE BILL 1171

K4, E4

4lr2528

By: **Delegates Carter, Anderson, and Summers**

Introduced and read first time: February 7, 2014

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Retirement and Pension System – Correctional, Police, and Law**
3 **Enforcement Officers – Forfeiture of Retirement Benefits for Criminal**
4 **Conviction**

5 FOR the purpose of prohibiting the payment of certain retirement benefits payable
6 from the State Retirement and Pension System to certain correctional officers,
7 police officers, and law enforcement officers who are convicted of or enter a plea
8 of nolo contendere for certain crimes; requiring a certain court to order the
9 forfeiture of certain retirement benefits under certain circumstances; providing
10 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 certain correctional officers, police officers, and law
17 enforcement officers 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**

26 **SUBTITLE 7. FORFEITURE OF BENEFITS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **21-701.**

2 (A) THIS SECTION APPLIES ONLY TO A CRIME THAT:

3 (1) IS SUBJECT TO A PENALTY OF AT LEAST 1 YEAR OF
4 INCARCERATION; AND

5 (2) IS COMMITTED WHILE AN INDIVIDUAL IS PERFORMING THE
6 DUTIES AND RESPONSIBILITIES OF EMPLOYMENT AS:

7 (I) A CORRECTIONAL OFFICER, A SECURITY CHIEF, A
8 WARDEN, OR AN ASSISTANT WARDEN EMPLOYED AT A STATE OR LOCAL
9 CORRECTIONAL FACILITY OR DETENTION CENTER;

10 (II) A POLICE EMPLOYEE AS DEFINED IN § 2-101 OF THE
11 PUBLIC SAFETY ARTICLE;

12 (III) A SHERIFF, A DEPUTY SHERIFF, A POLICE OFFICER, OR
13 ANY OTHER LAW ENFORCEMENT OFFICER EMPLOYED WITH A PARTICIPATING
14 GOVERNMENTAL UNIT; OR

15 (IV) AN EMPLOYEE OF A STATE AGENCY OR PUBLIC
16 INSTITUTION OF HIGHER EDUCATION WHO IS COMMISSIONED AS A POLICE
17 OFFICER OR HAS BEEN GRANTED THE POWERS OF A POLICE OFFICER.

18 (B) BENEFITS UNDER DIVISION II OF THIS ARTICLE MAY NOT BE PAID
19 AND ARE NOT PAYABLE TO AN INDIVIDUAL OR THE INDIVIDUAL'S BENEFICIARY
20 IF AN INDIVIDUAL IS FOUND GUILTY OF OR ENTERS A PLEA OF NOLO
21 CONTENDERE FOR A CRIME DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

22 (C) (1) IF AN INDIVIDUAL IS FOUND GUILTY OF OR ENTERS A PLEA OF
23 NOLO CONTENDERE FOR A CRIME DESCRIBED IN SUBSECTION (A) OF THIS
24 SECTION, THE COURT THAT ENTERS THE GUILTY JUDGMENT OR ACCEPTS THE
25 PLEA OF NOLO CONTENDERE SHALL ISSUE AN ORDER REQUIRING ALL BENEFITS
26 UNDER DIVISION II OF THIS ARTICLE TO BE FORFEITED BY THE INDIVIDUAL
27 AND THE INDIVIDUAL'S BENEFICIARY.

28 (2) AN INDIVIDUAL SUBJECT TO A FORFEITURE ORDER UNDER
29 PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A RETURN OF THE
30 INDIVIDUAL'S ACCUMULATED CONTRIBUTIONS, LESS ANY BENEFIT PAYMENTS
31 ALREADY MADE.

1 **(D) IF THE CONVICTION OF THE INDIVIDUAL FOR A CRIME DESCRIBED**
2 **IN SUBSECTION (A) OF THIS SECTION IS REVERSED OR OVERTURNED, THE**
3 **COURT THAT REVERSES OR OVERTURNS THE CONVICTION SHALL ISSUE AN**
4 **ORDER REQUIRING THE BENEFITS THAT ARE PAYABLE UNDER DIVISION II OF**
5 **THIS ARTICLE TO THE INDIVIDUAL OR THE INDIVIDUAL'S BENEFICIARY TO BE**
6 **RESTORED.**

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

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

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