

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

AN ACT concerning

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

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

BY adding to

Article – State Personnel and Pensions

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

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – State Personnel and Pensions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUBTITLE 7. FORFEITURE OF BENEFITS.**21-701.**

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

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

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

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

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

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

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

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

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

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