

# SENATE BILL 542

K4

6lr1555

---

By: ~~Senator Feldman~~ Senators Feldman and Ferguson

Introduced and read first time: February 4, 2016

Assigned to: Budget and Taxation

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Retirement and Pension System – Forfeiture of Benefits**

3 FOR the purpose of authorizing a certain assignment of benefits; establishing that certain  
4 public employees who are certain State officers may be subject to forfeiture of  
5 benefits from the State Retirement and Pension System; prohibiting the payment of  
6 certain benefits to a public employee who is found guilty of, pleads guilty to, or enters  
7 a plea of nolo contendere to a qualifying crime; prohibiting the forfeiture of benefits  
8 if the forfeiture negatively affects or invalidates the tax qualified status of ~~a plan~~ any  
9 of the several systems within the State Retirement and Pension System; requiring  
10 that certain forfeitures of benefits be reversed under certain circumstances;  
11 requiring the forfeiture of benefits, in whole or in part, for a public employee who is  
12 convicted of a qualifying crime; requiring the Attorney General or State’s Attorney  
13 to file a certain complaint in circuit court; requiring notice of the complaint to be sent  
14 to certain persons; requiring the State Retirement Agency to provide certain  
15 information to the Attorney General or State’s Attorney under certain  
16 circumstances; establishing certain findings that shall be made when entering an  
17 order requiring the forfeiture of benefits; requiring the forfeiture order to indicate  
18 the amount of benefits forfeit; requiring a court to consider certain factors when  
19 determining the amount of benefits subject to forfeiture; clarifying that only certain  
20 service is subject to forfeiture; authorizing a court to ~~order~~ enter a domestic relations  
21 order that provides that some or all of the forfeited benefits to be paid to certain  
22 individuals subject to certain limitations; prohibiting a forfeiture order from  
23 impairing or altering a domestic relations order certain domestic relations orders;  
24 clarifying that a public employee may receive benefits as a beneficiary; clarifying  
25 that a public employee’s interest in benefits of a former spouse is not subject to

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 forfeiture; authorizing the Board of Trustees for the State Retirement and Pension  
 2 System to recover certain payments made to a public employee subject to a forfeiture  
 3 order; limiting the amount that may be recovered; authorizing certain public  
 4 employees to submit an application for retirement; prohibiting the State Retirement  
 5 Agency from processing a certain application for retirement until certain conditions  
 6 are met; requiring a forfeiture order to be rescinded under certain circumstances;  
 7 requiring certain payments to be made when a conviction is overturned; providing  
 8 that a public employee subject to a forfeiture order is entitled to a return of employee  
 9 contributions on request; authorizing certain employee contributions to be reduced  
 10 under certain circumstances; requiring the Board of Trustees to adopt certain  
 11 regulations; providing for the application of this Act; defining certain terms;  
 12 providing for a delayed effective date; and generally relating to the forfeiture of  
 13 certain retirement benefits by certain constitutional officers with a criminal  
 14 conviction.

15 BY repealing and reenacting, with amendments,  
 16 Article – State Personnel and Pensions  
 17 Section 21–502  
 18 Annotated Code of Maryland  
 19 (2015 Replacement Volume)

20 BY adding to  
 21 Article – State Personnel and Pensions  
 22 Section 21–701 through 21–709 to be under the new subtitle “Subtitle 7. Forfeiture  
 23 of Benefits”  
 24 Annotated Code of Maryland  
 25 (2015 Replacement Volume)

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

28 **Article – State Personnel and Pensions**

29 21–502.

30 (a) (1) Except as provided in paragraph (2) of this subsection, a person may  
 31 not attach, execute, garnish, or otherwise seize any current or future benefit under this  
 32 Division II or any money in a fund created under this Division II.

33 (2) ~~A~~ **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD**  
 34 **OF TRUSTEES, A** court of competent jurisdiction may expressly order that a benefit under  
 35 this Division II be assigned in a decree or order of alimony, child support, or divorce, or in  
 36 a court–approved property settlement incident to a court decree or order.

37 (3) **A COURT OF COMPETENT JURISDICTION MAY EXPRESSLY ORDER**  
 38 **THAT A BENEFIT UNDER THIS DIVISION II BE ASSIGNED TO A SPOUSE, ~~DEPENDENT,~~**  
 39 **~~OR DESIGNATED BENEFICIARY~~ FORMER SPOUSE, CHILD, OR OTHER DEPENDENT**

1 **WHEN AN ORDER OF BENEFIT FORFEITURE IS ISSUED IN ACCORDANCE WITH §**  
2 **21-704 OF THIS TITLE.**

3 (b) An assignment under this section only applies to benefits paid after the Board  
4 of Trustees receives:

5 (1) written notice of the court decree or order; and

6 (2) any additional information that the Board of Trustees requires.

7 (c) The Board of Trustees is not liable for an improper payment to a person  
8 because the Board of Trustees did not receive written notice of a court decree or order.

9 **SUBTITLE 7. FORFEITURE OF BENEFITS.**

10 **21-701.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (B) “DOMESTIC RELATIONS ORDER” MEANS AN ORDER ISSUED IN  
14 ACCORDANCE WITH § 21-502(A)(2) OF THIS TITLE ~~ASSIGNING A BENEFIT IN, § 414(P)~~  
15 OF THE INTERNAL REVENUE CODE, AND REGULATIONS ADOPTED BY THE BOARD OF  
16 TRUSTEES THAT ASSIGNS A BENEFIT TO A SPOUSE, FORMER SPOUSE, CHILD, OR  
17 OTHER DEPENDENT OF A PUBLIC EMPLOYEE IN CONNECTION WITH A DECREE OR  
18 ORDER OF ALIMONY, CHILD SUPPORT, OR DIVORCE.

19 (C) “FINAL ADJUDICATION” MEANS ADJUDICATION BY A TRIAL COURT  
20 RESULTING IN FINAL DISPOSITION OF ALL CHARGES THAT CONSTITUTE A  
21 QUALIFYING CRIME.

22 (D) “PUBLIC EMPLOYEE” MEANS AN INDIVIDUAL WHO:

23 (1) IS EMPLOYED IN A POSITION LISTED IN § 21-702 OF THIS  
24 SUBTITLE; AND

25 (2) HAS BEEN CHARGED WITH A QUALIFYING CRIME.

26 (E) “QUALIFYING CRIME” MEANS A FELONY:

27 (1) THAT IS COMMITTED IN THE COURSE OF A PUBLIC EMPLOYEE’S  
28 DUTIES AND RESPONSIBILITIES;

29 (2) THAT IS COMMITTED THROUGH THE USE OF THE PUBLIC  
30 EMPLOYEE’S AUTHORITY DERIVED FROM THE POSITION OF EMPLOYMENT; AND

1           **(3) THE COMMISSION OF WHICH RESULTS IN, OR IS ATTEMPTED TO**  
2 **RESULT IN, GAIN, PROFIT, OR ADVANTAGE FOR THE PUBLIC EMPLOYEE.**

3 **21-702.**

4           **(A) THIS SUBTITLE APPLIES TO AN INDIVIDUAL WHO:**

5           **(1) IS A MEMBER, FORMER MEMBER, OR RETIREE OF THE**  
6 **EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM; AND**

7           **(2) HAS EARNED CREDITABLE SERVICE WHILE EMPLOYED AS:**

8                   **(I) THE ATTORNEY GENERAL OF THE STATE;**

9                   **(II) THE COMPTROLLER OF THE STATE;**

10                   **(III) THE GOVERNOR OF THE STATE;**

11                   **(IV) THE LIEUTENANT GOVERNOR OF THE STATE;**

12                   **(V) THE SECRETARY OF STATE; OR**

13                   **(VI) THE TREASURER OF THE STATE.**

14           **(B) THIS SUBTITLE DOES NOT APPLY TO ANY SERVICE EARNED BEFORE**  
15 **~~JULY 1, 2016~~ JANUARY 9, 2019.**

16 **21-703.**

17           **(A) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE PAYABLE TO A**  
18 **PUBLIC EMPLOYEE ARE SUBJECT TO FORFEITURE IN WHOLE OR IN PART IN**  
19 **ACCORDANCE WITH THIS SUBTITLE IF THE PUBLIC EMPLOYEE IS FOUND GUILTY OF,**  
20 **PLEADS GUILTY TO, OR ENTERS A PLEA OF NOLO CONTENDERE TO A QUALIFYING**  
21 **CRIME.**

22           **(B) (1) BENEFITS UNDER THIS DIVISION II MAY NOT BE FORFEITED OR**  
23 **REDUCED IF THE INTERNAL REVENUE SERVICE DETERMINES THAT THE**  
24 **FORFEITURE OR REDUCTION WILL NEGATIVELY AFFECT OR INVALIDATE THE TAX**  
25 **QUALIFIED STATUS OF ANY ~~PLAN WITHIN THE STATE RETIREMENT AND PENSION~~**  
26 **SYSTEM OF THE SEVERAL SYSTEMS.**

27           **(2) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT THE**  
28 **APPLICATION OF THIS SUBTITLE WOULD NEGATIVELY AFFECT OR INVALIDATE THE**  
29 **TAX QUALIFIED STATUS OF ANY OF THE SEVERAL SYSTEMS, ANY FORFEITURE OF**

1 BENEFITS THAT TOOK PLACE BEFORE THE INTERNAL REVENUE SERVICE'S  
2 DETERMINATION SHALL BE REVERSED IN ACCORDANCE WITH § 21-707 OF THIS  
3 SUBTITLE TO THE EXTENT NECESSARY TO COMPLY WITH THE DETERMINATION.

4 **21-704.**

5 (A) IF THE FINAL ADJUDICATION OF CHARGES RESULTS IN CONVICTION OF  
6 A PUBLIC EMPLOYEE, THE PUBLIC EMPLOYEE'S RETIREMENT ALLOWANCE SHALL BE  
7 FORFEITED IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION.

8 (B) (1) ON CONVICTION OF A PUBLIC EMPLOYEE, THE ATTORNEY  
9 GENERAL OR STATE'S ATTORNEY SHALL FILE A COMPLAINT IN CIRCUIT COURT TO  
10 FORFEIT THE PUBLIC EMPLOYEE'S BENEFITS IN WHOLE OR IN PART.

11 (2) NOTICE OF THE COMPLAINT FILED UNDER PARAGRAPH (1) OF  
12 THIS SUBSECTION SHALL BE SERVED ON:

13 (I) THE PUBLIC EMPLOYEE;

14 (II) ANY KNOWN SPOUSE OF THE PUBLIC EMPLOYEE;

15 (III) ANY KNOWN DEPENDENTS OF THE PUBLIC EMPLOYEE;

16 (IV) THE PUBLIC EMPLOYEE'S DESIGNATED BENEFICIARIES;

17 (V) ANY FORMER SPOUSE WHO HAS BEEN ASSIGNED BENEFITS  
18 UNDER ~~A~~ AN EXISTING DOMESTIC RELATIONS ORDER; AND

19 (VI) THE STATE RETIREMENT AGENCY.

20 (3) NOTWITHSTANDING § 4-312 OF THE GENERAL PROVISIONS  
21 ARTICLE, ON WRITTEN REQUEST, THE STATE RETIREMENT AGENCY SHALL  
22 PROVIDE THE ATTORNEY GENERAL OR STATE'S ATTORNEY WITH AVAILABLE  
23 INFORMATION FROM THE RETIREMENT RECORDS OF THE PUBLIC EMPLOYEE TO  
24 ASSIST THE ATTORNEY GENERAL OR STATE'S ATTORNEY IN PROVIDING THE  
25 NOTICE REQUIRED UNDER THIS SUBSECTION.

26 (C) THE COURT SHALL ENTER AN ORDER REQUIRING THE FORFEITURE, IN  
27 WHOLE OR IN PART, OF THE PUBLIC EMPLOYEE'S BENEFITS IF THE COURT FINDS BY  
28 CLEAR AND CONVINCING EVIDENCE THAT:

29 (1) THE PUBLIC EMPLOYEE WAS CONVICTED OF A QUALIFYING  
30 CRIME;

1           (2) THE PUBLIC EMPLOYEE WAS A MEMBER OF THE EMPLOYEES'  
2 PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM; AND

3           (3) THE QUALIFYING CRIME FOR WHICH THE PUBLIC EMPLOYEE WAS  
4 CONVICTED WAS COMMITTED WHILE THE PUBLIC EMPLOYEE WAS AN ACTIVE  
5 MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT  
6 SYSTEM.

7           (D) ONLY SERVICE CREDIT IN THE STATE SYSTEM IN WHICH THE PUBLIC  
8 EMPLOYEE IS A MEMBER WHEN THE QUALIFYING CRIME IS COMMITTED IS ELIGIBLE  
9 FOR FORFEITURE UNDER THIS SECTION.

10          (E) (1) AN ORDER REQUIRING FORFEITURE OF BENEFITS SHALL  
11 INDICATE THE AMOUNT OF BENEFITS ~~THAT ARE FORFEIT~~ TO BE FORFEITED.

12          (2) WHEN DETERMINING THE AMOUNT OF BENEFITS ~~THAT ARE~~  
13 ~~FORFEIT~~ TO BE FORFEITED, THE COURT SHALL CONSIDER:

14                   (I) THE SEVERITY OF THE CRIME;

15                   (II) THE AMOUNT OF MONETARY LOSS SUFFERED BY THE  
16 STATE, A COUNTY, A POLITICAL SUBDIVISION, OR A PERSON AS A RESULT OF THE  
17 CRIME;

18                   (III) THE DEGREE OF PUBLIC TRUST PLACED IN THE PUBLIC  
19 EMPLOYEE;

20                   (IV) THE FINANCIAL NEEDS AND RESOURCES OF THE PUBLIC  
21 EMPLOYEE;

22                   (V) THE FINANCIAL NEEDS AND RESOURCES OF THE PUBLIC  
23 EMPLOYEE'S SPOUSE, ~~DEPENDENTS, AND DESIGNATED BENEFICIARIES~~ CHILDREN,  
24 OR OTHER DEPENDENTS;

25                   (VI) ANY INTEREST IN BENEFITS OF A FORMER SPOUSE  
26 ESTABLISHED UNDER ~~A~~ AN EXISTING DOMESTIC RELATIONS ORDER; AND

27                   (VII) ANY OTHER FACTORS THE COURT DETERMINES RELEVANT.

28          (F) (1) IF THE COURT ENTERS AN ORDER REQUIRING THE FORFEITURE  
29 OF BENEFITS, THE COURT MAY ENTER A DOMESTIC RELATIONS ORDER THAT  
30 PROVIDES THAT SOME OR ALL OF THE FORFEITED BENEFITS BE PAID TO AN  
31 ~~INNOCENT~~ A SPOUSE, DEPENDENT, OR BENEFICIARY FORMER SPOUSE, CHILD, OR

1 OTHER DEPENDENT FOR PURPOSES OF CHILD SUPPORT, ALIMONY, OR MARITAL  
2 PROPERTY RIGHTS.

3 ~~(2) A SPOUSE, DEPENDENT, OR BENEFICIARY WHO RECEIVES~~  
4 ~~BENEFITS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL RECEIVE BENEFITS~~  
5 ~~IN THE SAME MANNER AS A FORMER SPOUSE MAY RECEIVE BENEFITS UNDER A~~  
6 ~~DOMESTIC RELATIONS ORDER~~ WHEN DETERMINING WHETHER TO ENTER A  
7 DOMESTIC RELATIONS ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
8 COURT SHALL CONSIDER WHETHER THE PUBLIC EMPLOYEE'S SPOUSE, FORMER  
9 SPOUSE, CHILDREN, OR DEPENDENTS WERE CULPABLE OR COMPLICIT IN THE  
10 COMMISSION OF THE QUALIFYING CRIME.

11 (3) THE COURT MAY NOT ORDER BENEFITS TO BE PAID TO ~~AN~~  
12 ~~INNOCENT SPOUSE, DEPENDENT, OR BENEFICIARY~~ A PUBLIC EMPLOYEE'S SPOUSE,  
13 FORMER SPOUSE, CHILD, OR OTHER DEPENDENT IN A MANNER THAT IS  
14 INCONSISTENT WITH THE PAYMENT OF BENEFITS IN THE STATE SYSTEM IN WHICH  
15 THE PUBLIC EMPLOYEE WAS A MEMBER.

16 (G) (1) AN ORDER REQUIRING A FORFEITURE OF BENEFITS ISSUED  
17 UNDER THIS SECTION MAY NOT IMPAIR OR ALTER ~~A~~ AN EXISTING DOMESTIC  
18 RELATIONS ORDER PROVIDING BENEFITS TO A FORMER SPOUSE OF A PUBLIC  
19 EMPLOYEE.

20 (2) A PUBLIC EMPLOYEE'S INTEREST IN A BENEFIT OF A FORMER  
21 SPOUSE ESTABLISHED BY A DOMESTIC RELATIONS ORDER MAY NOT BE SUBJECT TO  
22 A FORFEITURE OR REDUCTION UNDER THIS SUBTITLE.

23 (H) BENEFITS AVAILABLE TO A PUBLIC EMPLOYEE AS A BENEFICIARY MAY  
24 NOT BE SUBJECT TO A FORFEITURE UNDER THIS SUBTITLE.

25 **21-705.**

26 (A) IF A PUBLIC EMPLOYEE HAS RETIRED BEFORE A FORFEITURE ORDER IS  
27 ISSUED UNDER § 21-704 OF THIS SUBTITLE, THE BOARD OF TRUSTEES MAY  
28 RECOVER FROM THE PUBLIC EMPLOYEE THE AMOUNT OF BENEFITS PAID TO THE  
29 PUBLIC EMPLOYEE BEFORE THE ORDER.

30 (B) THE RECOVERY UNDER SUBSECTION (A) OF THIS SECTION IS LIMITED  
31 TO AN AMOUNT EQUAL TO THE BENEFITS THAT WOULD HAVE BEEN FORFEITED HAD  
32 THE FORFEITURE ORDER BEEN ISSUED BEFORE THE PUBLIC EMPLOYEE BEGAN  
33 RECEIVING ANY BENEFITS AS A RETIREE.

34 **21-706.**

1 (A) THIS SECTION APPLIES TO A PUBLIC EMPLOYEE WHO IS NOT A RETIREE.

2 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PUBLIC EMPLOYEE  
3 MAY SUBMIT AN APPLICATION FOR RETIREMENT.

4 (C) IF A PUBLIC EMPLOYEE IS ELIGIBLE TO APPLY FOR A RETIREMENT  
5 ALLOWANCE, A PUBLIC EMPLOYEE'S APPLICATION FOR RETIREMENT BENEFITS:

6 (1) SHALL BE ~~ACCEPTED BY~~ CONSIDERED SUBMITTED ON THE FIRST  
7 DAY OF THE MONTH AFTER IT IS PROPERLY COMPLETED AND SUBMITTED TO THE  
8 STATE RETIREMENT AGENCY; AND

9 (2) MAY NOT BE PROCESSED BY THE STATE RETIREMENT AGENCY  
10 UNLESS AND UNTIL THE FINAL ADJUDICATION OF THE CHARGE THAT DOES NOT  
11 RESULT IN CONVICTION.

12 21-707.

13 (A) (1) ON RECEIPT OF AN ORDER THAT REVERSES OR OVERTURNS A  
14 CONVICTION OF A PUBLIC EMPLOYEE, THE COURT THAT ISSUED A FORFEITURE  
15 ORDER UNDER § 21-704 OF THIS SUBTITLE SHALL RESCIND THE FORFEITURE  
16 ORDER AND ORDER THE BOARD OF TRUSTEES TO PAY ANY BENEFITS THAT ARE  
17 PAYABLE UNDER THIS DIVISION II OF THIS ARTICLE TO THE PUBLIC EMPLOYEE.

18 (2) WHEN A COURT RESCINDS A FORFEITURE ORDER UNDER  
19 PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL ALSO RESCIND ANY  
20 DOMESTIC RELATIONS ORDER ENTERED IN ACCORDANCE WITH § 21-704(F) OF THIS  
21 SUBTITLE.

22 (B) IF A CONVICTION OF A PUBLIC EMPLOYEE WHO WAS A RETIREE BEFORE  
23 THE DATE OF CONVICTION IS OVERTURNED:

24 (1) THE PUBLIC EMPLOYEE'S BENEFITS SHALL BE RESTORED BACK  
25 TO THE DATE THE BENEFIT PAYMENTS CEASED;

26 (2) THE PUBLIC EMPLOYEE'S ALLOWANCE SHALL:

27 (I) BE PAID BEGINNING THE MONTH AFTER THE STATE  
28 RETIREMENT AGENCY IS NOTIFIED THAT THE CONVICTION IS OVERTURNED; AND

29 (II) INCLUDE ANY COST-OF-LIVING ADJUSTMENTS THAT  
30 WOULD HAVE BEEN MADE IN THE TIME BETWEEN THE CONVICTION AND THE TIME  
31 BENEFIT PAYMENTS ARE RESTORED; AND

1           **(3)** BENEFIT PAYMENTS THAT WOULD HAVE BEEN MADE DURING THE  
2 TIME FROM THE DATE OF CONVICTION TO THE DATE THE CONVICTION IS  
3 OVERTURNED SHALL BE MADE TO THE PUBLIC EMPLOYEE, LESS ANY PAYMENTS  
4 MADE IN ACCORDANCE WITH ~~AN A DOMESTIC RELATIONS~~ ORDER DIRECTING  
5 PAYMENT OF BENEFITS TO ~~AN INNOCENT SPOUSE, DEPENDENT, OR DESIGNATED~~  
6 ~~BENEFICIARY~~ A SPOUSE, FORMER SPOUSE, CHILD, OR OTHER DEPENDENT.

7           **(C)** IF A CONVICTION OF A PUBLIC EMPLOYEE WHO WAS NOT A RETIREE  
8 BEFORE THE DATE OF CONVICTION IS OVERTURNED, THE PUBLIC EMPLOYEE MAY  
9 RECEIVE BENEFITS IN ACCORDANCE WITH THIS DIVISION II OF THIS ARTICLE.

10 **21-708.**

11           **(A)** A PUBLIC EMPLOYEE SUBJECT TO A FORFEITURE ORDER ISSUED UNDER  
12 **§ 21-704** OF THIS SUBTITLE IS ENTITLED TO A RETURN OF THE INDIVIDUAL'S  
13 ACCUMULATED CONTRIBUTIONS ON REQUEST UNDER **§ 29-501** OF THIS ARTICLE.

14           **(B)** THE PUBLIC EMPLOYEE'S ACCUMULATED CONTRIBUTIONS SHALL BE  
15 REDUCED BY AN AMOUNT EQUAL TO ANY BENEFIT PAYMENTS RECEIVED BY THE  
16 PUBLIC EMPLOYEE THAT WOULD HAVE BEEN SUBJECT TO FORFEITURE AND HAVE  
17 NOT BEEN RECOVERED BY THE BOARD OF TRUSTEES UNDER **§ 21-705** OF THIS  
18 SUBTITLE.

19 **21-709.**

20           **THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
21 **SUBTITLE.**

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

25           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~  
26 ~~1, 2016~~ January 9, 2019.