

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “commit” and substitute “are charged with committing”; in line 10, strike “committed” and substitute “been charged with committing”; in line 13, strike “commit” and substitute “are charged with committing”; in line 16, strike “if” and substitute “on”; in line 17, strike “have been upheld”; in line 19, strike “if” and substitute “on”; strike beginning with “have” in line 19 down through “upheld” in line 20; strike beginning with “if” in line 22 down through “rendered” in line 23 and substitute “under certain circumstances”; strike beginning with “if” in line 24 down through “rendered” in line 25 and substitute “under certain circumstances”; and in line 28, after “Police,” insert “establishing that a person is convicted of a criminal offense for purposes of this Act under certain circumstances”.

AMENDMENT NO. 2

On page 3, in line 6, strike “9” and substitute “6”; and after line 11, insert:

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

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

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

(3) IS GRANTED A PROBATION BEFORE JUDGMENT.”.

(Over)

AMENDMENT NO. 3

On page 3, in line 12, strike “(B)” and substitute “(C)”; strike beginning with “PLEADS” in line 13 down through “TO” in line 14 and substitute “IS CHARGED WITH COMMITTING”; in line 18, after “SYSTEM” insert “WHO”; strike beginning with “BEFORE” in line 19 down through “TO” in line 20 and substitute “IS CHARGED WITH COMMITTING”; strike beginning with “PLEADS” in line 25 down through “TO” in line 26 and substitute “IS CHARGED WITH COMMITTING”; in line 29, strike “(C)” and substitute “(D)”; in line 30, strike “(B)(1)” and substitute “(C)(1)”; in line 31, strike “COMMITTS” and substitute “IS CHARGED WITH COMMITTING”; and in the same line, after “OFFENSE” insert “THAT OCCURRED”.

On page 4, in line 3, strike “(B)(2)” and substitute “(C)(2)”; in line 4, strike “COMMITTED” and substitute “IS CHARGED WITH COMMITTING”; and in the same line, after “OFFENSE” insert “THAT OCCURRED”.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 7 through 36, inclusive, and substitute:

“(E) (1) SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PERMANENTLY TERMINATE ANY SPECIAL DISABILITY RETIREMENT APPLICATION PROCESS OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, ON CONVICTION OF A CRIMINAL OFFENSE COMMITTED BY THE MEMBER OR FORMER MEMBER AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER OR FORMER MEMBER WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE.

“(2) (1) SUBJECT TO SUBSECTION (G) OF THIS SECTION, IF A STATE POLICE RETIREMENT SYSTEM DISABILITY RETIREE IS CONVICTED OF A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE

POLICE, THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE SHALL BE FORFEITED.

(II) IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD OF TRUSTEES SHALL PERMANENTLY CEASE ALL PAYMENTS OF ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE TO A DISABILITY RETIREE.

(F) (1) THIS SUBSECTION APPLIES TO A MEMBER, FORMER MEMBER, OR A SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM WHO IS CHARGED WITH COMMITTING A CRIMINAL OFFENSE AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE, IF:

(I) THE CHARGES ARE PLACED ON A STET DOCUMENT;

(II) THE CHARGES ARE DISMISSED; OR

(III) THE MEMBER OR FORMER MEMBER IS ACQUITTED.

(2) A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS SUBTITLE.

(3) THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

(Over)

(4) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM SHALL BE ENTITLED TO THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE, INCLUDING ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE, PLUS INTEREST, THAT ACCRUED DURING THE PERIOD OF TEMPORARY SUSPENSION UNDER SUBSECTION (C)(2) OF THIS SECTION.

(5) IF AT ANY TIME THE CHARGES AGAINST A MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE ARE REMOVED FROM THE STET DOCKET FOR THE PURPOSES OF RESUMING PROCEEDINGS, THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION SHALL APPLY AGAIN.

(G) (1) THIS SUBSECTION APPLIES IF THE CONVICTION OF A MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM FOR A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE MEMBER, FORMER MEMBER, OR SPECIAL DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE IS OVERTURNED ON APPEAL.

(2) A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE UNDER § 29-103 OF THIS SUBTITLE.

(3) THE BOARD OF TRUSTEES SHALL RESUME THE APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

(4) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT SYSTEM SHALL BE ENTITLED TO THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE, INCLUDING ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE, PLUS INTEREST, THAT ACCRUED FROM THE TIME THE TEMPORARY SUSPENSION BEGAN UNDER SUBSECTION (C)(2) OF THIS SECTION.

On page 5, in line 1, strike “(G)” and substitute “(H)”; and strike beginning with the comma in line 3 down through “TO” in line 4 and substitute “OF”.