

HOUSE BILL 1458

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CF SB 894

By: **Delegates G. Clagett and DeBoy**

Introduced and read first time: February 26, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System – Special Disability Retirement Allowance**
3 **– Forfeiture**

4 FOR the purpose of prohibiting certain members or former members of the State
5 Police Retirement System who commit certain criminal offenses during a
6 certain period of time from applying for a certain disability retirement
7 allowance; requiring the Board of Trustees of the State Retirement and Pension
8 System to temporarily suspend the application process for a certain disability
9 retirement allowance if the member or former member applying for the certain
10 disability retirement allowance has committed certain criminal offenses during
11 a certain period of time; requiring the Board of Trustees to temporarily suspend
12 a certain disability retirement allowance of certain disability retirees of the
13 State Police Retirement System if the disability retirees commit certain
14 criminal offenses during a certain period of time; requiring the Board of
15 Trustees to permanently terminate a certain disability application process of
16 certain members or former members if certain convictions of certain criminal
17 offenses have been upheld; requiring the Board of Trustees to permanently
18 terminate the payment of a certain disability retirement allowance of certain
19 disability retirees if certain convictions of certain criminal offenses have been
20 upheld; providing that certain members or former members may apply for a
21 certain disability retirement allowance or resume the application process for a
22 certain disability retirement allowance if a certain verdict on certain criminal
23 offenses is rendered; providing that certain disability retirees may resume
24 receipt of a certain disability retirement allowance if a certain verdict on certain
25 criminal offenses is rendered; requiring the Secretary of State Police to report
26 certain information to the Board of Trustees; requiring the Board of Trustees to
27 take certain actions immediately after receiving certain information from the
28 Secretary of State Police; defining a certain term; and generally relating to
29 members, former members, and disability retirees of the State Police
30 Retirement System forfeiting certain rights to a special disability retirement
31 allowance following the conviction of criminal offenses.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – State Personnel and Pensions
3 Section 29–119
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2009 Supplement)

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

8 **Article – State Personnel and Pensions**

9 **29–119.**

10 (A) IN THIS SECTION, “CRIMINAL OFFENSE” MEANS:

11 (1) ANY CRIME OF VIOLENCE, AS PROVIDED UNDER § 14–101 OF
12 THE CRIMINAL LAW ARTICLE;

13 (2) FELONY THEFT, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF
14 THE CRIMINAL LAW ARTICLE;

15 (3) FORGERY, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF THE
16 CRIMINAL LAW ARTICLE;

17 (4) IDENTIFICATION FRAUD, AS PROVIDED UNDER TITLE 8,
18 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

19 (5) PERJURY, AS PROVIDED UNDER TITLE 9, SUBTITLE 1 OF THE
20 CRIMINAL LAW ARTICLE;

21 (6) BRIBERY, AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THE
22 CRIMINAL LAW ARTICLE;

23 (7) FILING A FALSE REPORT, AS PROVIDED UNDER TITLE 9,
24 SUBTITLE 5 OF THE CRIMINAL LAW ARTICLE;

25 (8) WITNESS INTIMIDATION, AS PROVIDED UNDER TITLE 9,
26 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

27 (9) OBSTRUCTION OF JUSTICE, AS PROVIDED UNDER § 9–306 OF
28 THE CRIMINAL LAW ARTICLE;

29 (10) SEXUAL OFFENSES, AS PROVIDED UNDER TITLE 3, SUBTITLE
30 3 OF THE CRIMINAL LAW ARTICLE;

1 **(11) CHILD PORNOGRAPHY, AS PROVIDED UNDER § 11-207 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 **(12) EXTORTION, AS PROVIDED UNDER TITLE 3, SUBTITLE 7 OF**
4 **THE CRIMINAL LAW ARTICLE;**

5 **(13) CONTROLLED DANGEROUS SUBSTANCE VIOLATIONS, AS**
6 **PROVIDED UNDER TITLE 5, SUBTITLE 9 OF THE CRIMINAL LAW ARTICLE;**

7 **(14) STALKING, AS PROVIDED UNDER TITLE 3, SUBTITLE 8 OF THE**
8 **CRIMINAL LAW ARTICLE;**

9 **(15) RECKLESS ENDANGERMENT, AS PROVIDED UNDER TITLE 3,**
10 **SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE; OR**

11 **(16) THE COMMON LAW CRIME OF MISCONDUCT IN OFFICE.**

12 **(B) (1) (I) IF A MEMBER OR FORMER MEMBER OF THE STATE**
13 **POLICE RETIREMENT SYSTEM PLEADS GUILTY, NO DEFENSE, OR RECEIVES A**
14 **PROBATION BEFORE JUDGMENT TO A CRIMINAL OFFENSE, THE MEMBER OR**
15 **FORMER MEMBER MAY NOT APPLY FOR A SPECIAL DISABILITY RETIREMENT**
16 **UNDER § 29-103 OF THIS SUBTITLE.**

17 **(II) IF A MEMBER OR FORMER MEMBER OF THE STATE**
18 **POLICE RETIREMENT SYSTEM HAS APPLIED FOR A SPECIAL DISABILITY**
19 **RETIREMENT UNDER § 29-103 OF THIS SUBTITLE BEFORE PLEADING GUILTY,**
20 **NO DEFENSE, OR RECEIVING A PROBATION BEFORE JUDGMENT TO A CRIMINAL**
21 **OFFENSE, THE BOARD OF TRUSTEES SHALL TEMPORARILY SUSPEND THE**
22 **MEMBER'S OR FORMER MEMBER'S DISABILITY APPLICATION PROCESS.**

23 **(2) IF A DISABILITY RETIREE OF THE STATE POLICE**
24 **RETIREMENT SYSTEM RECEIVING A SPECIAL DISABILITY RETIREMENT**
25 **ALLOWANCE PLEADS GUILTY, NO DEFENSE, OR RECEIVES A PROBATION BEFORE**
26 **JUDGMENT TO A CRIMINAL OFFENSE, THE BOARD OF TRUSTEES SHALL**
27 **TEMPORARILY SUSPEND THE DISABILITY RETIREE'S SPECIAL DISABILITY**
28 **RETIREMENT ALLOWANCE.**

29 **(C) (1) A MEMBER OR FORMER MEMBER OF THE STATE POLICE**
30 **RETIREMENT SYSTEM IS SUBJECT TO SUBSECTION (B)(1) OF THIS SECTION IF**
31 **THE MEMBER OR FORMER MEMBER COMMITS A CRIMINAL OFFENSE AT ANY**
32 **TIME DURING THE PERIOD OF TIME THE MEMBER OR FORMER MEMBER IS**
33 **EMPLOYED BY THE DEPARTMENT OF STATE POLICE.**

1 **(2) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT**
2 **SYSTEM RECEIVING A SPECIAL DISABILITY RETIREMENT ALLOWANCE IS**
3 **SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION IF THE DISABILITY RETIREE**
4 **COMMITTED A CRIMINAL OFFENSE AT ANY TIME DURING THE PERIOD OF TIME**
5 **THE DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE**
6 **POLICE.**

7 **(D) ON ENTRY OF A PLEA OF GUILTY OR NO DEFENSE OR ON INITIAL**
8 **CONVICTION OF A CRIMINAL OFFENSE, A DISABILITY RETIREE OF THE STATE**
9 **POLICE RETIREMENT SYSTEM MAY NOT RECEIVE ANY PAYMENT OR PARTIAL**
10 **PAYMENT OF THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT**
11 **ALLOWANCE DURING THE PENDENCY OF AN APPEAL.**

12 **(E) (1) THE BOARD OF TRUSTEES SHALL PERMANENTLY TERMINATE**
13 **ANY SPECIAL DISABILITY RETIREMENT APPLICATION PROCESS OF A MEMBER**
14 **OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, IF ALL**
15 **APPEALS HAVE BEEN EXHAUSTED UPHOLDING THE MEMBER'S OR FORMER**
16 **MEMBER'S CONVICTION OF A CRIMINAL OFFENSE.**

17 **(2) (I) AFTER ALL APPEALS HAVE BEEN EXHAUSTED**
18 **UPHOLDING A STATE POLICE RETIREMENT SYSTEM DISABILITY RETIREE'S**
19 **CONVICTION OF A CRIMINAL OFFENSE, THE DISABILITY RETIREE'S SPECIAL**
20 **DISABILITY RETIREMENT ALLOWANCE SHALL BE FORFEITED.**

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

25 **(F) IF A VERDICT OF NOT GUILTY IS RENDERED OR THE INDICTMENT OR**
26 **CRIMINAL INFORMATION FINALLY DISMISSED, THEN:**

27 **(1) (I) A MEMBER OR FORMER MEMBER OF THE STATE POLICE**
28 **RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT**
29 **ALLOWANCE UNDER § 29-103 OF THIS SUBTITLE; OR**

30 **(II) THE BOARD OF TRUSTEES SHALL RESUME THE**
31 **APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE**
32 **OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT**
33 **SYSTEM; OR**

34 **(2) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT**
35 **SYSTEM SHALL BE ENTITLED TO ALL BENEFITS INCLUDING THOSE THAT**
36 **ACCRUED DURING THE PERIOD OF TEMPORARY SUSPENSION, IF ANY.**

1 **(G) (1) THE SECRETARY OF STATE POLICE SHALL REPORT TO THE**
2 **BOARD OF TRUSTEES ANY MEMBER, FORMER MEMBER, OR DISABILITY RETIREE**
3 **OF THE STATE POLICE RETIREMENT SYSTEM WHO IS CONVICTED, PLEADS**
4 **GUILTY OR NO DEFENSE, OR RECEIVES A PROBATION BEFORE JUDGMENT TO A**
5 **CRIMINAL OFFENSE AT ANY TIME WHILE EMPLOYED BY THE DEPARTMENT OF**
6 **STATE POLICE.**

7 **(2) AFTER RECEIVING NOTICE FROM THE SECRETARY OF STATE**
8 **POLICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF**
9 **TRUSTEES SHALL IMMEDIATELY:**

10 **(I) PROHIBIT THE FILING OF AN APPLICATION OF A**
11 **DISABILITY RETIREMENT ALLOWANCE BY A REPORTED MEMBER OR FORMER**
12 **MEMBER;**

13 **(II) TEMPORARILY SUSPEND ANY APPLICATION PROCESS OF**
14 **A REPORTED MEMBER OR FORMER MEMBER; OR**

15 **(III) TEMPORARILY SUSPEND ANY SPECIAL DISABILITY**
16 **RETIREMENT ALLOWANCE BENEFIT PAYMENT OF A REPORTED DISABILITY**
17 **RETIREE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2010.