

HOUSE BILL 1458

K4

0lr0660
CF SB 894

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

Introduced and read first time: February 26, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 8, 2010

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2010

CHAPTER _____

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~~ are charged with committing certain
6 criminal offenses during a certain period of time from applying for a certain
7 disability retirement allowance; requiring the Board of Trustees of the State
8 Retirement and Pension System to temporarily suspend the application process
9 for a certain disability retirement allowance if the member or former member
10 applying for the certain disability retirement allowance has ~~committed~~ been
11 charged with committing certain criminal offenses during a certain period of
12 time; requiring the Board of Trustees to temporarily suspend a certain
13 disability retirement allowance of certain disability retirees of the State Police
14 Retirement System if the disability retirees ~~commit~~ are charged with
15 committing certain criminal offenses during a certain period of time; requiring
16 the Board of Trustees to permanently terminate a certain disability application
17 process of certain members or former members ~~if on~~ on certain convictions of
18 certain criminal offenses ~~have been upheld~~; requiring the Board of Trustees to
19 permanently terminate the payment of a certain disability retirement allowance
20 of certain disability retirees ~~if on~~ on certain convictions of certain criminal offenses
21 ~~have been upheld~~; providing that certain members or former members may
22 apply for a certain disability retirement allowance or resume the application
23 process for a certain disability retirement allowance ~~if a certain verdict on~~
24 ~~certain criminal offenses is rendered~~ under certain circumstances; providing

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 that certain disability retirees may resume receipt of a certain disability
 2 retirement allowance ~~if a certain verdict on certain criminal offenses is rendered~~
 3 under certain circumstances; requiring the Secretary of State Police to report
 4 certain information to the Board of Trustees; requiring the Board of Trustees to
 5 take certain actions immediately after receiving certain information from the
 6 Secretary of State Police; establishing that a person is convicted of a criminal
 7 offense for purposes of this Act under certain circumstances; defining a certain
 8 term; and generally relating to members, former members, and disability
 9 retirees of the State Police Retirement System forfeiting certain rights to a
 10 special disability retirement allowance following the conviction of criminal
 11 offenses.

12 BY adding to
 13 Article – State Personnel and Pensions
 14 Section 29–119
 15 Annotated Code of Maryland
 16 (2009 Replacement Volume and 2009 Supplement)

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

19 **Article – State Personnel and Pensions**

20 **29–119.**

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

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

24 **(2) FELONY THEFT, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF**
 25 **THE CRIMINAL LAW ARTICLE;**

26 **(3) FORGERY, AS PROVIDED UNDER TITLE 7, SUBTITLE 1 OF THE**
 27 **CRIMINAL LAW ARTICLE;**

28 **(4) IDENTIFICATION FRAUD, AS PROVIDED UNDER TITLE 8,**
 29 **SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;**

30 **(5) PERJURY, AS PROVIDED UNDER TITLE 9, SUBTITLE 1 OF THE**
 31 **CRIMINAL LAW ARTICLE;**

32 **(6) BRIBERY, AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THE**
 33 **CRIMINAL LAW ARTICLE;**

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

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

5 (9) OBSTRUCTION OF JUSTICE, AS PROVIDED UNDER § 9-306 OF
6 THE CRIMINAL LAW ARTICLE;

7 (10) SEXUAL OFFENSES, AS PROVIDED UNDER TITLE 3, SUBTITLE
8 3 OF THE CRIMINAL LAW ARTICLE;

9 (11) CHILD PORNOGRAPHY, AS PROVIDED UNDER § 11-207 OF THE
10 CRIMINAL LAW ARTICLE;

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

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

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

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

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

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

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

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

25 (3) IS GRANTED A PROBATION BEFORE JUDGMENT.

26 ~~(B)~~ (C) (1) (I) IF A MEMBER OR FORMER MEMBER OF THE STATE
27 POLICE RETIREMENT SYSTEM ~~PLEADS GUILTY, NO DEFENSE, OR RECEIVES A~~
28 ~~PROBATION BEFORE JUDGMENT TO~~ IS CHARGED WITH COMMITTING A CRIMINAL
29 OFFENSE, THE MEMBER OR FORMER MEMBER MAY NOT APPLY FOR A SPECIAL
30 DISABILITY RETIREMENT UNDER § 29-103 OF THIS SUBTITLE.

1 (II) IF A MEMBER OR FORMER MEMBER OF THE STATE
2 POLICE RETIREMENT SYSTEM WHO HAS APPLIED FOR A SPECIAL DISABILITY
3 RETIREMENT UNDER § 29-103 OF THIS SUBTITLE ~~BEFORE PLEADING GUILTY,~~
4 ~~NO DEFENSE, OR RECEIVING A PROBATION BEFORE JUDGMENT TO~~ IS CHARGED
5 WITH COMMITTING A CRIMINAL OFFENSE, THE BOARD OF TRUSTEES SHALL
6 TEMPORARILY SUSPEND THE MEMBER'S OR FORMER MEMBER'S DISABILITY
7 APPLICATION PROCESS.

8 (2) IF A DISABILITY RETIREE OF THE STATE POLICE
9 RETIREMENT SYSTEM RECEIVING A SPECIAL DISABILITY RETIREMENT
10 ALLOWANCE ~~PLEADS GUILTY, NO DEFENSE, OR RECEIVES A PROBATION BEFORE~~
11 ~~JUDGMENT TO~~ IS CHARGED WITH COMMITTING A CRIMINAL OFFENSE, THE
12 BOARD OF TRUSTEES SHALL TEMPORARILY SUSPEND THE DISABILITY
13 RETIREE'S SPECIAL DISABILITY RETIREMENT ALLOWANCE.

14 ~~(C)~~ (D) (1) A MEMBER OR FORMER MEMBER OF THE STATE POLICE
15 RETIREMENT SYSTEM IS SUBJECT TO SUBSECTION ~~(B)(1)~~ (C)(1) OF THIS
16 SECTION IF THE MEMBER OR FORMER MEMBER ~~COMMITTS~~ IS CHARGED WITH
17 COMMITTING A CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE
18 PERIOD OF TIME THE MEMBER OR FORMER MEMBER IS EMPLOYED BY THE
19 DEPARTMENT OF STATE POLICE.

20 (2) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT
21 SYSTEM RECEIVING A SPECIAL DISABILITY RETIREMENT ALLOWANCE IS
22 SUBJECT TO SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION IF THE DISABILITY
23 RETIREE ~~COMMITTED~~ IS CHARGED WITH COMMITTING A CRIMINAL OFFENSE
24 THAT OCCURRED AT ANY TIME DURING THE PERIOD OF TIME THE DISABILITY
25 RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE POLICE.

26 ~~(D) ON ENTRY OF A PLEA OF GUILTY OR NO DEFENSE OR ON INITIAL~~
27 ~~CONVICTION OF A CRIMINAL OFFENSE, A DISABILITY RETIREE OF THE STATE~~
28 ~~POLICE RETIREMENT SYSTEM MAY NOT RECEIVE ANY PAYMENT OR PARTIAL~~
29 ~~PAYMENT OF THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT~~
30 ~~ALLOWANCE DURING THE PENDENCY OF AN APPEAL.~~

31 ~~(E) (1) THE BOARD OF TRUSTEES SHALL PERMANENTLY TERMINATE~~
32 ~~ANY SPECIAL DISABILITY RETIREMENT APPLICATION PROCESS OF A MEMBER~~
33 ~~OR FORMER MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, IF ALL~~
34 ~~APPEALS HAVE BEEN EXHAUSTED UPHOLDING THE MEMBER'S OR FORMER~~
35 ~~MEMBER'S CONVICTION OF A CRIMINAL OFFENSE.~~

36 (2) (1) ~~AFTER ALL APPEALS HAVE BEEN EXHAUSTED~~
37 ~~UPHOLDING A STATE POLICE RETIREMENT SYSTEM DISABILITY RETIREE'S~~

~~1 CONVICTION OF A CRIMINAL OFFENSE, THE DISABILITY RETIREE'S SPECIAL
2 DISABILITY RETIREMENT ALLOWANCE SHALL BE FORFEITED.~~

~~3 (H) IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS
4 PARAGRAPH, THE BOARD OF TRUSTEES SHALL PERMANENTLY CEASE ALL
5 PAYMENTS OF ANY SPECIAL DISABILITY RETIREMENT ALLOWANCE TO A
6 DISABILITY RETIREE.~~

~~7 (F) IF A VERDICT OF NOT GUILTY IS RENDERED OR THE INDICTMENT OR
8 CRIMINAL INFORMATION FINALLY DISMISSED, THEN:~~

~~9 (1) (I) A MEMBER OR FORMER MEMBER OF THE STATE POLICE
10 RETIREMENT SYSTEM MAY APPLY FOR A SPECIAL DISABILITY RETIREMENT
11 ALLOWANCE UNDER § 29-103 OF THIS SUBTITLE; OR~~

~~12 (II) THE BOARD OF TRUSTEES SHALL RESUME THE
13 APPLICATION PROCESS FOR A SPECIAL DISABILITY RETIREMENT ALLOWANCE
14 OF A MEMBER OR FORMER MEMBER OF THE STATE POLICE RETIREMENT
15 SYSTEM; OR~~

~~16 (2) A DISABILITY RETIREE OF THE STATE POLICE RETIREMENT
17 SYSTEM SHALL BE ENTITLED TO ALL BENEFITS INCLUDING THOSE THAT
18 ACCRUED DURING THE PERIOD OF TEMPORARY SUSPENSION, IF ANY.~~

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

26 (2) (I) SUBJECT TO SUBSECTION (G) OF THIS SECTION, IF A
27 STATE POLICE RETIREMENT SYSTEM DISABILITY RETIREE IS CONVICTED OF A
28 CRIMINAL OFFENSE THAT OCCURRED AT ANY TIME DURING THE PERIOD OF
29 TIME THE DISABILITY RETIREE WAS EMPLOYED BY THE DEPARTMENT OF STATE
30 POLICE, THE DISABILITY RETIREE'S SPECIAL DISABILITY RETIREMENT
31 ALLOWANCE SHALL BE FORFEITED.

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

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

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

8 **(II) THE CHARGES ARE DISMISSED; OR**

9 **(III) THE MEMBER OR FORMER MEMBER IS ACQUITTED.**

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

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

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

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

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

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

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

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

13 ~~(G)~~ **(H) (1) THE SECRETARY OF STATE POLICE SHALL REPORT TO**
14 **THE BOARD OF TRUSTEES ANY MEMBER, FORMER MEMBER, OR DISABILITY**
15 **RETIREE OF THE STATE POLICE RETIREMENT SYSTEM WHO IS CONVICTED,**
16 **PLEADS GUILTY OR NO DEFENSE, OR RECEIVES A PROBATION BEFORE**
17 **JUDGMENT TO OF A CRIMINAL OFFENSE AT ANY TIME WHILE EMPLOYED BY THE**
18 **DEPARTMENT OF STATE POLICE.**

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

22 **(I) PROHIBIT THE FILING OF AN APPLICATION OF A**
23 **DISABILITY RETIREMENT ALLOWANCE BY A REPORTED MEMBER OR FORMER**
24 **MEMBER;**

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

27 **(III) TEMPORARILY SUSPEND ANY SPECIAL DISABILITY**
28 **RETIREMENT ALLOWANCE BENEFIT PAYMENT OF A REPORTED DISABILITY**
29 **RETIREE.**

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