

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1264
Appropriations

(Delegate George, *et al.*)

Task Force to Study Forfeiture of Retirement Benefits for Public Officials
Charged with or Convicted of a Crime

This bill establishes the Task Force to Study Forfeiture of Retirement Benefits for Public Officials Charged with or Convicted of a Crime to study and make recommendations regarding the possible forfeiture or suspension of retirement benefits for public officials who are charged with or convicted of criminal acts. Members of the task force are not entitled to compensation but may be reimbursed for travel expenses related to their membership. The Department of Legislative Services (DLS) must provide staff for the task force. By November 30, 2013, the task force must report its findings and recommendations to designated committees of the General Assembly.

The bill takes effect June 1, 2013, and terminates June 30, 2014.

Fiscal Summary

State Effect: None. DLS can staff the task force with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Joint Resolution 4 of 2010, signed by the President of the Senate and Speaker of the House of Delegates, prohibits a retired member of the General Assembly, or a member's beneficiary, from receiving a retirement allowance under the Legislative Pension Plan (LPP) if the member is convicted of or enters a plea of *nolo contendere* to

any felony or to a misdemeanor related to the member's public duties and responsibilities. The forfeiture applies only if the crime was committed during the member's term of office and involves moral turpitude for which the penalty may be incarceration. Such members or retirees are subject to the forfeiture of LPP benefits, but they remain entitled to receive a return of their contributions with interest, less any benefits already paid prior to the forfeiture. If a member's conviction is later reversed or overturned, the member's LPP benefits must be restored.

Elected State or local officials who are found to have violated the Public Ethics Law are subject to (1) an order of compliance directing the respondent to cease and desist from the violation; (2) a reprimand; or (3) other appropriate discipline, including censure or removal, if that discipline is authorized by law. If the State Ethics Commission finds, while investigating a complaint, that reasonable grounds exist to believe that a public official may have committed a criminal offense, the commission must promptly refer the matter to the appropriate prosecuting authority.

Background: Several prominent former elected officials have recently been convicted of or pled guilty to felony or misdemeanor offenses committed while in office, including the Anne Arundel County Executive, the Mayor of Baltimore City, the Prince George's County Executive, a member of the Prince George's County Council, a member of the Anne Arundel County Council, and a State Delegate representing Washington County.

Additional Information

Prior Introductions: HB 572 of 2012, as amended, passed the House and received a hearing in the Senate Budget and Taxation Committee, but no further action was taken on the bill.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2013
mm/rhh

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