

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1447 (Delegate Simonaire, *et al.*)
Health and Government Operations

State Government - Veterans Affairs - Maryland Prisoner of War Medal

This bill establishes the Maryland Prisoner of War Medal and the Maryland Prisoner of War Medal Fund. The Secretary of Veterans Affairs, in consultation with the Adjutant General, must determine whether to grant an individual “prisoner of war” status for the purpose of consideration for the medal, develop a design for the medal and a ribbon to be worn in lieu of the medal, develop and implement a process for soliciting and accepting nominations for the medal, and submit a list of nominees for the medal to the Governor. The fund must be used for the design, production, purchase, administration, and presentation of the medal and associated ribbon bar.

Fiscal Summary

State Effect: Special fund revenues and expenditures increase to support the design, production, and purchase of the medal and associated ribbon bar. The Department of Veterans Affairs and the Military Department can handle the administration and presentation requirements of the bill with existing resources. General fund expenditures increase to the extent general funds are used to capitalize the special fund, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines “prisoner of war” as an individual who is listed as a prisoner of war by the U.S. Department of Defense or who has been granted prisoner of

war status by the Secretary of Veterans Affairs in consultation with the Adjutant General for the purpose of consideration for the medal.

Qualification and Determination Process

When determining whether to grant an individual prisoner of war status, the Secretary, in consultation with the Adjutant General, must verify that the individual was taken prisoner and held captive while serving in the Armed Forces of the United States or the State militia (1) while engaged in an action against an enemy of the United States; (2) while engaged in military operations involving conflict with an opposing foreign force; (3) while serving with friendly forces under specified circumstances; or (4) by foreign armed forces that are hostile to the United States. The Secretary and the Adjutant General must consider comparable cases where individuals have generally been held captive by enemy forces during times of conflict, and they may require the individual to produce any relevant forms or documents.

A prisoner of war may not be considered for the medal if, because of actions taken while in captivity, the individual (1) was convicted by court-martial for misconduct or a criminal offense; (2) received a less-than-honorable discharge from military service; or (3) violated the Code of Conduct for Members of the Armed Forces of the United States and the violation was recorded by military officials. An individual may not be awarded more than one Maryland Prisoner of War Medal.

The Governor may award the medal to any prisoner of war who (1) is a resident of the State; (2) was a resident of the State on the date of induction into the U.S. Armed Forces or the State militia; or (3) died while a resident of the State. If a recipient of the medal is deceased or missing in action, the medal may be presented to the recipient's surviving spouse or next of kin.

Maryland Prisoner of War Medal Fund

The bill establishes the Maryland Prisoner of War Medal Fund, a special nonlapsing fund. The fund may only be used to design, produce, purchase, administer, and present the medal and associated ribbon bar. The fund consists of money donated to the fund, investment earnings, and any other money from any other source. Any interest earnings must be paid into the fund.

Current Law/Background: Statute permits the Governor to issue service medals to officers and enlisted individuals in the organized militia of the State who have completed five years or more of continuous service. Regulations developed by the Military Department describe standards for administering and presenting approximately 28 additional medals, ribbons, certificates, and other awards. These include the State of

Maryland Distinguished Service Cross, the State of Maryland Meritorious Service Medal, the Maryland Defense Force Community Service Ribbon, the Governor's Certificate for Commendation for Service, and the Maryland National Guard Certificate of Appreciation to a Loyal Dedicated Guard Spouse. Each description includes a justification for each award, eligible individuals (including any relevant exclusions), a description of the recommendation process, documentation requirements, as well as examples of conduct deserving of each particular distinction. Only the Governor's Certificate for Commendation for Service requires the Governor's approval.

The federal Prisoner of War Medal was authorized by the U.S. Congress and signed into law in 1985, and it may be awarded to specified individuals who were prisoners of war after April 5, 1917. Requirements to receive the federal Prisoner of War Medal are substantially similar to the ones contained in the bill.

South Carolina likewise presents its own medal. The creation of the South Carolina Prisoner of War Medal was one of the final recommendations made by the South Carolina Prisoner of War Commission before that group disbanded in 2012. Approved in June 2014, the requirements to receive the South Carolina Prisoner of War Medal are also substantially similar to the ones contained in the bill. In September 2015, several World War II veterans as well as widows and families of other former prisoners of war were presented with the new South Carolina medal.

In Maryland, there is no way to reliably determine, for purposes of this fiscal and policy note, the number of individuals who would be eligible to receive the medal. It is not known how many prisoners of war reside in the State, were a resident of the State on their date of induction, or died while a resident of the State.

State Fiscal Effect: Should the Department of Veterans Affairs receive donations for the Maryland Prisoner of War Medal Fund, special fund revenues increase. Should expenses related to the design, production, purchase, administration, and presentation of the medal and associated ribbon bar be incurred, special fund expenditures also increase accordingly. While no appropriation is required, the bill does not preclude the use of general funds to capitalize the special fund. Therefore, general fund expenditures may increase by an indeterminate amount. As the costs associated with the design, production, purchase, administration, and presentation of the medal and associated ribbon bar, as well as the number of potential recipients, are unknown, the Department of Legislative Services is unable to provide a specific fiscal estimate.

Additional Information

Prior Introductions: None.

Cross File: SB 32 (Senator Simonaire) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Veterans Affairs, Military Department, American Ex-Prisoners of War, *South Carolina Radio Network*, South Carolina General Assembly, Department of Legislative Services

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