A BILL ENTITLED

AN ACT concerning

Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers

FOR the purpose of establishing that law enforcement officers are subject to forfeiture of benefits from the State Retirement and Pension System or a local system when a law enforcement officer is found guilty of, pleads guilty to, or enters a plea of nolo contendere to a qualifying crime; providing for the processes and procedures to implement a forfeiture of benefits; and generally relating to the forfeiture of pension benefits.

BY adding to

Article – State Personnel and Pensions
Section 21–801 to be under the new subtitle “Subtitle 8. Forfeiture of Benefits – Law Enforcement Officers”
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – State Personnel and Pensions

SUBTITLE 8. FORFEITURE OF BENEFITS – LAW ENFORCEMENT OFFICERS.

21–801.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
(2) “ACCUMULATED CONTRIBUTIONS” MEANS THE AMOUNTS CREDITED, INCLUDING INTEREST, TO A LAW ENFORCEMENT OFFICER’S INDIVIDUAL ACCOUNT IN THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.

(3) “FINAL ADJUDICATION” MEANS FINAL DISPOSITION OF ALL CHARGES THAT CONSTITUTE A QUALIFYING CRIME FROM WHICH NO FURTHER RIGHT TO APPEAL OR REVIEW EXISTS.

(4) “LAW ENFORCEMENT OFFICER” MEANS AN INDIVIDUAL WHO IS A MEMBER, FORMER MEMBER, OR RETIREE OF:

(I) THE STATE POLICE RETIREMENT SYSTEM;

(II) THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM; OR

(III) A LOCAL PENSION SYSTEM FOR AN INDIVIDUAL EMPLOYED AS A SWORN LAW ENFORCEMENT OFFICER.

(5) “QUALIFYING CRIME” MEANS ANY OF THE FOLLOWING CRIMINAL OFFENSES THAT WERE COMMITTED IN THE COURSE OF THE PERFORMANCE OF A LAW ENFORCEMENT OFFICER’S DUTIES:

(I) A FELONY; OR

(II) PERJURY OR ANOTHER MISDEMEANOR RELATING TO TRUTHFULNESS AND VERACITY.

(B) THIS SECTION DOES NOT APPLY TO:

(1) ACCUMULATED CONTRIBUTIONS MADE BEFORE JULY 1, 2022;

(2) ANY SERVICE EARNED BEFORE JULY 1, 2022; OR

(3) A QUALIFYING CRIME COMMITTED BEFORE JULY 1, 2022.

(C) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE OR A LOCAL PENSION SYSTEM PAYABLE TO A LAW ENFORCEMENT OFFICER ARE SUBJECT TO FORFEITURE IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION IF THE LAW ENFORCEMENT OFFICER IS FOUND GUILTY OF, PLEADS GUILTY TO, OR ENTERS A PLEA OF NOLO CONTENDERE TO A QUALIFYING CRIME.
(D) (1) If the final adjudication of charges results in conviction of a law enforcement officer, the law enforcement officer's retirement allowance may be forfeited in whole or in part in accordance with this section.

(2) On conviction of a law enforcement officer, the Attorney General or the State's Attorney shall file a complaint in circuit court to forfeit the law enforcement officer's benefits in whole or in part.

(E) The court may enter an order requiring the forfeiture, in whole or in part, of the law enforcement officer's benefits if the court finds by clear and convincing evidence that:

(1) the law enforcement officer was convicted of a qualifying crime;

(2) the law enforcement officer was a member of the State Police Retirement System, the Law Enforcement Officers' Pension System, or a local pension system; and

(3) the qualifying crime for which the law enforcement officer was convicted was committed while the law enforcement officer was an active member of the State Police Retirement System, the Law Enforcement Officers' Pension System, or a local pension system.

(F) (1) An order requiring forfeiture of benefits shall indicate the amount of benefits to be forfeited.

(2) When determining the amount of benefits to be forfeited, the court shall consider:

(I) the severity of the crime;

(II) the amount of monetary loss suffered by the State, a county, a political subdivision, or a person as a result of the crime;

(III) the degree of public trust placed in the law enforcement officer; and

(IV) any other factors the court determines relevant.
(G) A court may order a law enforcement officer subject to a forfeiture order issued under this section to request a return of the law enforcement officer’s accumulated contributions, in whole or in part, to be used for restitution relating to a qualifying crime.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.