

# **SB597 Testimony.pdf**

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter**

**In Favor of SB597 Pensions and Retirement –  
Forfeiture of Benefits – Law Enforcement Officers**

**Before the Budget and Taxation Committee**

**on March 2, 2023**

**Chair Guzzone, Vice-Chair Rosapepe, and Members of the  
Committee:**

- **SB0597 will prevent police officers who are found guilty of a felony, perjury or a misdemeanor relating to truthfulness and veracity, from thereafter enjoying their pension benefits under the State Retirement and Pension System or a local retirement and pension system. The bill outlines the procedural and substantive processes by which these benefits become forfeited.**
- **Currently, police officers, acting under the color of law, commit serious crimes within the scope and course of their duties, continue to be able to collect their benefits, including their pensions. This bill causes the forfeiture of those benefits when a law enforcement officer commits certain qualifying crimes. SB0597 would ensure that**

**officers are not only held accountable, but provide a clear consequence for such egregious behavior, after being afforded due process.**

- **Baltimore City and other jurisdictions have paid millions to settle lawsuits as a result of criminal conduct by police officers. The officers, however, were allowed to collect their full pensions. This cannot (and should not) continue. Police officers should not be allowed to violate their oath, waste the training investment, betray the public trust, and then be rewarded with a state (or local) pension.**
- **This Bill makes clear the stance this body has on those who abuse their authority under color of law to engage in criminal conduct. Pension forfeiture will prevent officers who engage in criminal conduct from collecting a taxpayer-supported benefit, while also allowing the government to recover money paid out to settle lawsuits related to their criminal conduct.**
- **Under SB0597, officers found guilty, pleading guilty, or pleading nolo contendere would be precluded from claiming pension benefits. However, they are not stripped of their due process rights. This bill permits police officers convicted of a qualifying crime to file a claim for partial payment. It permits a wholistic review by the circuit courts to reinstate these partial benefits. Additionally, there are carve outs for child support and other familial needs of children and spouses of convicted officers. It also allows for a claw back so that officers cannot retire to avoid the consequences of their wrongful**

**conduct. Finally, if the conviction is overturned, officers may have their benefits restored.**

- **Twenty-six (26) states have laws that allow for police pension forfeiture if the officer is either convicted or pleads no contest to a felony or unlawful killing. It's time for Maryland to do likewise. Police officers should not be allowed to commit horrible crimes, and then enjoy the benefits of their pensions.**

**For these reasons, I request a favorable report on SB597.**

**Sincerely,**

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

**Jill P. Carter, Esq.**

# **MCPA-MSA\_SB 597 Forfeiture of Pension Benefits-OPP**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable Guy Guzzone, Chairman, and  
Members of the Budget and Taxation Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** March 2, 2023

**RE:** **SB 597 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers**

**POSITION: OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 597. This bill provides for the forfeiture of a law enforcement officer's pension.

MCPA and MSA strongly oppose this bill and believe it exhibits a lack of respect for the men and women who work in this profession. Further, it is an unnecessary and punitive measure to degrade the Law Enforcement profession.

The attempt to forfeit a Police Officer's vested pension and retirement benefits provides an incredible disincentive for persons to enter into and remain in this profession. The pension benefits that have been earned throughout one's public service career, are contractually obligated as prior benefits similar to an IRA and are equally as critical to the Officer, Officer's spouse or partner and their dependent children, who will rely on these pension benefits as a source of income. This legislation is also inconsistent with State and Federal law protecting private pensions from forfeiture in the case of employee misconduct.

Maryland's law enforcement agencies are already experiencing difficulty in recruiting. Measures such as this will further deter individuals from going into this profession. These types of actions will make it more difficult to keep our communities safe, provide protection to victims, and properly investigate crimes.

For these reasons, MCPA and MSA OPPOSE SB 597 and urge an UNFAVORABLE Committee report.

**SB 597\_OPP\_SLEOLA \_B&T 03-02-2023.pdf**

Uploaded by: Brian Gill

Position: UNF



**State Law Enforcement  
Officers Labor Alliance**  
542 Ritchie Highway  
Severna Park, Maryland 21146



March 2, 2023

Senator Michael A. Jackson  
Chair, Pensions Subcommittee  
Senate Budget & Taxation Committee  
3 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

Re: SB 597 – Pension and Retirement - Forfeiture of Benefits - Law Enforcement Officers

Dear Chair Jackson:

The State Law Enforcement Labor Alliance (SLEOLA) is the exclusive representative for 1,757 active state law enforcement officers. We are writing in Opposition of Senate Bill 597 which would amend the State Retirement and Pension System to require forfeiture of benefits for officers who commit certain criminal offenses.

SLEOLA generally disagrees with the major premise underlying the bill. Although we have little interest in defending anyone who commits heinous crimes, forfeiture of an earned pension benefit is not an appropriate penalty for a law enforcement officer, even one who has committed a crime. The criminal laws are designed to punish, and the personnel laws and disciplinary procedures can be used to penalize an officer with regard to his or her employment. The pension laws, however, are designed to protect the employees, their beneficiaries, and their earned benefits, and should not be used for other purposes. The federal law governing private pensions – ERISA – recognizes these principles, as do the overwhelming majority of state and local pension plans. Indeed, if an officer commits a serious crime, the disallowance of pension benefits is more likely to hurt the officer's family than the officer, who presumably has been incarcerated for his or her crimes, and punishing the family or other beneficiaries certainly is not sound public policy.

Putting to one side SLEOLA's general opposition to the principle underlying SB 597, we also have specific problems with the draft bill. The bill as drafted is substantially overbroad, as it would cover many crimes that are not sufficiently serious to justify such an onerous penalty. And finally, if an officer is eventually cleared of charges, by whatever means, the bill says that the application process will be resumed or be allowed to start. On this issue, however, the bill needs to be amended to provide for full retroactive coverage to the original date of disability, whenever the pension benefit is delayed because of false or unproven or otherwise dismissed charges against the officer.

SB 597 incorporates scores of misdemeanors and other less significant crimes that cannot justifiably be used to deprive an officer and his/her family of the earned benefit included in their pension. Unless and until the bill is drastically narrowed and revised, it should not be approved by the Budget & Taxation Committee.



Thank you for your time, attention, and consideration to this matter.

Sincerely,

Brian Gill  
President

cc: Members, Senate Budget & Taxation Pensions Subcommittee

**MTA Unfavorable SB 597 3-2-2023.pdf**

Uploaded by: Jenna Massoni

Position: UNF



# M a r y l a n d Troopers Association



INCORPORATED 1979

March 2, 2023

The Honorable Guy Guzzone, Chair and Members of the Budget & Taxation Committee

**RE: SB 597 Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers**

**POSITION: OPPOSE**

The MTA opposes SB 597 and the subjected forfeiture of retirement and pension benefits when a law enforcement officer is found guilty of, pleads guilty to, or enters a plea of nolo contendere to a felony, perjury, or misdemeanor relating to truthfulness and veracity committed while performing their duties.

The Maryland State Police, like many other agencies in this State, faces issues with recruiting well intentioned, competent officers to protect the citizens of Maryland. This legislation will further exacerbate that problem. If the State cannot ensure that law enforcement officers pension and retirement benefits are protected like every other citizen and employee in this State, then many may choose different careers.

We respectfully ask for an unfavorable report for SB 597.

Brian Blubaugh  
President  
Maryland Troopers Association

**Member of National Troopers Coalition**

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