



**State Law Enforcement
Officers Labor Alliance**
542 Ritchie Highway
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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