

SENATOR SARAH ELFRETH  
*Legislative District 30*  
Anne Arundel County



James Senate Office Building  
11 Bladen Street, Room 104  
Annapolis, Maryland 21401  
410-841-3578 · 301-858-3578  
800-492-7122 Ext. 3578  
Fax 410-841-3156 · 301-858-3156  
Sarah.Elfreth@senate.state.md.us

Budget and Taxation Committee

*Subcommittees*

Capital Budget

Pensions

Chair, Public Safety,  
Transportation, and Environment

Joint Committee on the Chesapeake and  
Atlantic Coastal Bays Critical Area

Chair, Joint Subcommittee on  
Program Open Space/Agricultural  
Land Preservation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 16, 2023

**Testimony in Favor of SB0454**  
**State Police Retirement System, Law Enforcement Officers' Pension System, and Judges'**  
**Retirement System - Surviving Spouse Benefit - Same-Sex Spouses**

Chairman Jackson and fellow members of the Pensions Subcommittee:

I respectfully request a favorable report of Senate Bill 454 to right a wrong for our same-sex couples as it relates to their pension and surviving spouse benefits in the State Police Retirement System, Law Enforcement Officers' Pension System, and Judges' Retirement System.

As this Committee is aware, the State Police Retirement System (SPRS), Law Enforcement Officers' Pension System (LEOPS), and Judges' Retirement System (JRS) are the only three Pension systems in which a member can receive the full basic allowance and it automatically will provide a surviving spouse benefit of a certain percentage of their full basic allowance upon the members death – without the need to choose to take a lower basic allowance to do so.

The problem SB454 seeks to solve is for same-sex couples that retired on or before December 31, 2012 – when same-sex marriage became fully legalized. Prior to 2013, members of SRPS, LEOPS, and JRS who wished to provide a surviving benefit to their partner had to choose an option for their retirement that provided a lower basic allowance and a lower survivor benefit. Yet, same-sex couples that married after legalization in 2013 automatically receive the percentage of surviving spouse benefit – creating an unfair, and inequitable system for those that were unable to marry before our law changes but still spent their lives in service to our State.

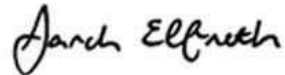
This legislation will right this wrong by:

1. Creating a process in which eligible retirees and surviving spouses of the aforementioned Systems can request their benefits be recalculated to allow the full monthly allowance and the correct percentage as a surviving spouse benefit.

2. Authorizing a lump sum payment to the retiree or the surviving spouse of the benefit amount they should have received at the original basic allowance rate.

This legislation is mirrored off of local legislation passed in Anne Arundel County<sup>1</sup> to fix this – and it is time that we do the same for all Marylanders. Once again I respectfully request a favorable report of Senate Bill 454.

Sincerely,

A handwritten signature in black ink that reads "Sarah Elfreth". The signature is written in a cursive, flowing style.

Sarah Elfreth

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<sup>1</sup><https://www.capitalgazette.com/politics/ac-cn-same-sex-pension-election-bill-20220404-ipmvxvjqrer7drxvhvdkerym4-story.html>