



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 9
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Appropriations Committee to report favorably on House Bill 9.

House Bill 9 – Law Enforcement Officers and Other Public Employees Who Are Rapists
State Pension Benefits Forfeiture

This bill will forfeit the pension and retirement benefits of specific employees who commit rape or attempted rape while an active member of the retirement or pension system. It will apply to all members, former members, and retirees of the State Police Retirement System, the Law Enforcement Officers' Pension System, the Employees' Pension System, the Employees' Retirement System, the Teachers' Pension System, the Teachers' Retirement System, the Correctional Officers' Retirement System, and the Judges' Retirement System. Importantly, the sex offender's dependents will not lose their benefits.

Under House Bill 9, members, former members, and retirees of these public systems will forfeit their benefits if they are found guilty of, plead guilty to, or enter a plea of *nolo contendere* to rape in the first degree, rape in the second degree, attempted rape in the first degree, or attempted rape in the second degree.

This bill is similar to current law that requires the State's constitutional officers (the Attorney General, Comptroller, Governor, Lieutenant Governor, Secretary of State, and Treasurer) to forfeit their benefits when they commit a felony in the course of their public duties, through the use of their authority derived from their position, and which the commission of which results or in attempts to result in gain, profit, or advantage for the constitutional officer.

Upon request, the court would have the discretion to provide some or all of the forfeited benefits to a spouse, former spouse, child, or other dependent. In addition, forfeiture may not impair or alter an existing divorce decree, or alimony or child support order. Public employees convicted of these crimes also may not have state retirement benefits paid to them that they did not earn themselves, but which they are otherwise entitled to through a divorce decree, alimony, or as a beneficiary.

MCASA expresses disappointment that testimony last year suggested that people will be discouraged from applying to become police officers if they are subject to pension forfeiture if they commit rape. MCASA is untroubled by the prospect of people deciding not to become police officers because they are worried that they will lose benefits after being charged and convicted of rape.

House Bill 9 is a reasonable policy decision to help respond to sexual violence and prevent rapists from continuing to receive compensation from public coffers. If anything, the scope of the bill is too narrow and omits crimes such as sexual abuse of a minor and other felonies.

**The Maryland Coalition Against Sexual Assault urges the
Appropriations Committee to
report favorably on House Bill 9**