

SENATE BILL 141

P6

(PRE-FILED)

2lr1098
CF HB 123

By: **Senator Carter**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Pensions and Retirement – Forfeiture of Benefits – Law Enforcement Officers**

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

9 BY adding to

10 Article – State Personnel and Pensions

11 Section 21–801 to be under the new subtitle “Subtitle 8. Forfeiture of Benefits – Law
12 Enforcement Officers”

13 Annotated Code of Maryland

14 (2015 Replacement Volume and 2021 Supplement)

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

17 **Article – State Personnel and Pensions**

18 **SUBTITLE 8. FORFEITURE OF BENEFITS – LAW ENFORCEMENT OFFICERS.**

19 **21–801.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “ACCUMULATED CONTRIBUTIONS” MEANS THE AMOUNTS

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 CREDITED, INCLUDING INTEREST, TO A LAW ENFORCEMENT OFFICER'S INDIVIDUAL
2 ACCOUNT IN THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT
3 OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.

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

7 (4) "LAW ENFORCEMENT OFFICER" MEANS AN INDIVIDUAL WHO IS A
8 MEMBER, FORMER MEMBER, OR RETIREE OF:

9 (I) THE STATE POLICE RETIREMENT SYSTEM;

10 (II) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; OR

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

13 (5) "QUALIFYING CRIME" MEANS ANY OF THE FOLLOWING CRIMINAL
14 OFFENSES THAT WERE COMMITTED IN THE COURSE OF THE PERFORMANCE OF A
15 LAW ENFORCEMENT OFFICER'S DUTIES:

16 (I) A FELONY; OR

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

19 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

23 (C) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE OR A LOCAL
24 PENSION SYSTEM PAYABLE TO A LAW ENFORCEMENT OFFICER ARE SUBJECT TO
25 FORFEITURE IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION IF THE LAW
26 ENFORCEMENT OFFICER IS FOUND GUILTY OF, PLEADS GUILTY TO, OR ENTERS A
27 PLEA OF NOLO CONTENDERE TO A QUALIFYING CRIME.

28 (D) (1) IF THE FINAL ADJUDICATION OF CHARGES RESULTS IN
29 CONVICTION OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT

1 OFFICER'S RETIREMENT ALLOWANCE MAY BE FORFEITED IN WHOLE OR IN PART IN
2 ACCORDANCE WITH THIS SECTION.

3 (2) ON CONVICTION OF A LAW ENFORCEMENT OFFICER, THE
4 ATTORNEY GENERAL OR THE STATE'S ATTORNEY SHALL FILE A COMPLAINT IN
5 CIRCUIT COURT TO FORFEIT THE LAW ENFORCEMENT OFFICER'S BENEFITS IN
6 WHOLE OR IN PART.

7 (E) THE COURT MAY ENTER AN ORDER REQUIRING THE FORFEITURE, IN
8 WHOLE OR IN PART, OF THE LAW ENFORCEMENT OFFICER'S BENEFITS IF THE COURT
9 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

10 (1) THE LAW ENFORCEMENT OFFICER WAS CONVICTED OF A
11 QUALIFYING CRIME;

12 (2) THE LAW ENFORCEMENT OFFICER WAS A MEMBER OF THE STATE
13 POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION
14 SYSTEM, OR A LOCAL PENSION SYSTEM; AND

15 (3) THE QUALIFYING CRIME FOR WHICH THE LAW ENFORCEMENT
16 OFFICER WAS CONVICTED WAS COMMITTED WHILE THE LAW ENFORCEMENT
17 OFFICER WAS AN ACTIVE MEMBER OF THE STATE POLICE RETIREMENT SYSTEM,
18 THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION
19 SYSTEM.

20 (F) (1) AN ORDER REQUIRING FORFEITURE OF BENEFITS SHALL
21 INDICATE THE AMOUNT OF BENEFITS TO BE FORFEITED.

22 (2) WHEN DETERMINING THE AMOUNT OF BENEFITS TO BE
23 FORFEITED, THE COURT SHALL CONSIDER:

24 (I) THE SEVERITY OF THE CRIME;

25 (II) THE AMOUNT OF MONETARY LOSS SUFFERED BY THE
26 STATE, A COUNTY, A POLITICAL SUBDIVISION, OR A PERSON AS A RESULT OF THE
27 CRIME;

28 (III) THE DEGREE OF PUBLIC TRUST PLACED IN THE LAW
29 ENFORCEMENT OFFICER; AND

30 (IV) ANY OTHER FACTORS THE COURT DETERMINES RELEVANT.

31 (G) A COURT MAY ORDER A LAW ENFORCEMENT OFFICER SUBJECT TO A

1 **FORFEITURE ORDER ISSUED UNDER THIS SECTION TO REQUEST A RETURN OF THE**
2 **LAW ENFORCEMENT OFFICER'S ACCUMULATED CONTRIBUTIONS, IN WHOLE OR IN**
3 **PART, TO BE USED FOR RESTITUTION RELATING TO A QUALIFYING CRIME.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2022.