

In subsection (b)(1) of this section, the reference to "each individual ... who became a retiree or commenced receiving a vested allowance" is substituted for the former references to "each former member who became a retiree" to reflect long-standing administrative practice to apply this section to both retirees and vested former members receiving an allowance. Similarly, in subsection (b)(2) and (3) of this section, the reference to "former member receiving a vested allowance" is added.

In subsection (c) of this section, the references to an "individual" is substituted for the former references to "employee" and "retiree" for consistency.

In subsection (d) of this section, the reference to "employee or retiree" is deleted as unnecessary.

Defined terms: "Board of Trustees" § 20-101
 "Employees' Pension System" § 20-101
 "Employees' Retirement System" § 20-101
 "Former member" § 20-101
 "Retiree" § 20-101
 "Teachers' Pension System" § 20-101
 "Teachers' Retirement System" § 20-101
 "Vested allowance" § 20-101

21-505. FRAUD.

(A) IN GENERAL.

A PERSON MAY NOT KNOWINGLY MAKE A FALSE STATEMENT OR FALSIFY OR ALLOW ANOTHER TO FALSIFY ANY RECORD OF ANY STATE SYSTEM IN AN ATTEMPT TO DEFRAUD THE STATE SYSTEM.

(B) MISDEMEANOR.

A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO PUNISHMENT UNDER THE LAWS OF THIS STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 73B, § 1-504.

The State Personnel and Pensions Article Review Committee notes, for consideration by the General Assembly, that this criminal provision lacks an express penalty and there is no general statutory penalty concerning fraud in Article 27 of the Code. The General Assembly may wish to consider whether this provision is necessary in light of Art. 27, § 45A, which, in part, prohibits any person from willfully making a false entry in a public record or whether the express penalty in that section should be applied in this section as well.

Defined terms: "Person" § 20-101
 "State system" § 20-101