
By: **Senators Hooper, Blount, Colburn, Conway, Ferguson, Mooney,
Schrader, and Stone**

Introduced and read first time: February 1, 2002

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2002

CHAPTER 326

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership**

3 FOR the purpose of providing certain employees of the Division of Rehabilitation
4 Services in the Department of Education with the option to participate in the
5 Law Enforcement Officers' Pension System on or before a certain date; and
6 generally relating to the election of certain employees of the Division of
7 Rehabilitation Services in the Department of Education to participate in the
8 Law Enforcement Officers' Pension System.

9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 26-201 and 26-202
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2001 Supplement)

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

16 **Article - State Personnel and Pensions**

17 26-201.

18 (a) Except as provided in subsection (b) of this section, this subtitle applies
19 only to:

20 (1) an employee of the Department of Natural Resources commissioned
21 by the Secretary of Natural Resources as:

- 1 (i) a Natural Resources police officer; or
- 2 (ii) a law enforcement officer, other than a Natural Resources police
3 officer;
- 4 (2) a law enforcement officer employed by the Field Enforcement
5 Division;
- 6 (3) a member of the Maryland Transportation Authority Police Force
7 who has the powers granted to a police officer under § 4-208 of the Transportation
8 Article;
- 9 (4) a deputy sheriff employed by the Baltimore City Sheriff's
10 Department;
- 11 (5) a member of the University of Maryland Police Force who has the
12 powers granted to a police officer under § 13-601 of the Education Article;
- 13 (6) a law enforcement officer employed by a participating governmental
14 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement
15 Officers' Pension System;
- 16 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 17 (8) a member of the Morgan State University Police Force who has the
18 powers granted to a police officer under § 14-106 of the Education Article;
- 19 (9) a member of the BWI Airport Fire & Rescue Department;
- 20 (10) a member of the Department of General Services Police Force who
21 has the powers granted to a police officer under § 4-605 of the State Finance and
22 Procurement Article;
- 23 (11) an employee of the Department of Health and Mental Hygiene
24 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
25 Hygiene police officer;
- 26 (12) an employee of the Motor Vehicle Administration commissioned by
27 the Secretary of the Department of Transportation as a Motor Vehicle Administration
28 police officer;
- 29 (13) an employee of the Department of Labor, Licensing, and Regulation
30 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
31 Licensing, and Regulation police officer; [or]
- 32 (14) a firefighter for the Martin State Airport employed by the Military
33 Department; OR
- 34 (15) A POLICE OFFICER EMPLOYED BY THE DIVISION OF
35 REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION, CERTIFIED IN

1 ACCORDANCE WITH THE MARYLAND POLICE AND ~~CORRECTIONS~~ CORRECTIONAL
2 TRAINING ~~COMMISSION~~ COMMISSIONS.

3 (b) This subtitle does not apply to:

4 (1) a Maryland Transportation Authority police officer who transferred
5 from the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1996;

7 (2) a deputy sheriff employed by the Baltimore City Sheriff's
8 Department who transferred from the Employees' Retirement System to the
9 Employees' Pension System on or after December 1, 1996;

10 (3) a member of the University of Maryland Police Force who transferred
11 from the Employees' Retirement System to the Employees' Pension System on or after
12 December 1, 1997;

13 (4) a law enforcement officer employed by a participating governmental
14 unit who transferred from the Employees' Retirement System to the Employees'
15 Pension System on or after December 1, 1997;

16 (5) a Maryland Port Administration police officer who transferred from
17 the Employees' Retirement System to the Employees' Pension System on or after
18 December 1, 1997;

19 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
20 from the Employees' Retirement System to the Employees' Pension System on or after
21 December 1, 1996;

22 (7) a member of the Morgan State University Police Force who
23 transferred from the Employees' Retirement System to the Employees' Pension
24 System on or after December 1, 1997;

25 (8) a member of the BWI Airport Fire & Rescue Department who
26 transferred from the Employees' Retirement System to the Employees' Pension
27 System on or after April 1, 1998;

28 (9) a member of the Department of General Services, Department of
29 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
30 Licensing, and Regulation Police Force who transferred from the Employees'
31 Retirement System to the Employees' Pension System on or after April 1, 1998; [or]

32 (10) a firefighter for the Martin State Airport employed by the Military
33 Department who transferred from the Employees' Retirement System to the
34 Employees' Pension System on or after April 1, 1998; OR

35 (11) A POLICE OFFICER EMPLOYED BY THE DIVISION OF
36 REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION WHO:

1 (I) IS CERTIFIED IN ACCORDANCE WITH THE MARYLAND POLICE
2 AND ~~CORRECTIONS~~ CORRECTIONAL TRAINING COMMISSION COMMISSIONS; AND

3 (II) TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM
4 TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

5 26-202.

6 (a) Except as provided in subsection (b) of this section, an individual described
7 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
8 System as a condition of employment.

9 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
10 Enforcement Officers' Pension System is optional for an individual described in §
11 26-201 of this subtitle:

12 (i) who was employed by the Department of Natural Resources on
13 July 1, 1990 and who elects membership on or before December 31, 1997;

14 (ii) who was employed by the Field Enforcement Division on June
15 30, 1995 and who elects membership on or before December 31, 1997;

16 (iii) who was employed by the Maryland Transportation Authority
17 on June 30, 1997 and who elects membership on or before December 31, 1997;

18 (iv) who was employed by the Baltimore City Sheriff's Department
19 on June 30, 1997 and who elects membership on or before December 31, 1997;

20 (v) who was employed by the University of Maryland Police Force
21 on June 30, 1999 and who elects membership on or before December 31, 1999;

22 (vi) who is employed by a participating governmental unit on the
23 effective date of participation on or after July 1, 1999 for that participating
24 governmental unit and who elects membership within 6 months of the effective date
25 of participation;

26 (vii) who was employed by the Maryland Port Administration Police
27 Force and was subsequently transferred to and employed by the Maryland
28 Transportation Authority Police Force on July 1, 1998 and who elects membership on
29 or before December 31, 1998;

30 (viii) who was employed by the office of the State Fire Marshal on
31 June 30, 1998 and who elects membership on or before December 31, 1998;

32 (ix) who was employed by the Morgan State University Police Force
33 on June 30, 1999 and who elects membership on or before December 31, 1999;

34 (x) who was employed by the BWI Airport Fire & Rescue
35 Department on June 30, 2000, and who elects membership on or before December 29,
36 2000;

1 (xi) who was employed by the Department of General Services,
2 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
3 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
4 who elects membership on or before December 29, 2000; [or]

5 (xii) who was employed by the Military Department as a firefighter
6 at Martin State Airport on June 30, 2001, and who elects membership on or before
7 December 31, 2001; OR

8 (XIII) WHO WAS EMPLOYED ON JUNE 30, 2002, BY THE DIVISION OF
9 REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION AS A POLICE
10 OFFICER CERTIFIED IN ACCORDANCE WITH THE MARYLAND POLICE AND
11 ~~CORRECTIONS~~ CORRECTIONAL TRAINING COMMISSION COMMISSIONS, AND WHO
12 ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 2002.

13 (2) To elect to be a member of the Law Enforcement Officers' Pension
14 System, an individual shall file a written application with the State Retirement
15 Agency.

16 (3) If an individual does not elect membership during the applicable
17 period specified under paragraph (1) of this subsection, the individual may not
18 become a member of the Law Enforcement Officers' Pension System.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2002.