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By: **Delegates Hubbard, Barkley, G. Clagett, and Proctor**

Introduced and read first time: February 9, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System - Membership - Division of Parole**  
3 **and Probation**

4 FOR the purpose of altering a certain fee for certain individuals placed under the  
5 supervision of the Division of Parole and Probation; requiring that a certain  
6 amount of a certain fee be used to fund certain retirement benefit enhancements  
7 for certain members of the Division of Parole and Probation of the Department  
8 of Public Safety and Correctional Services as provided for in this Act; providing  
9 agents who are employed by the Division of Parole and Probation of the  
10 Department of Public Safety and Correctional Services with membership in the  
11 Correctional Officers' Retirement System; requiring the Board of Trustees of the  
12 State Retirement and Pension System to transfer certain contributions to  
13 certain funds of the Correctional Officers' Retirement System; requiring agents  
14 who are employed by the Division of Parole and Probation of the Department of  
15 Public Safety and Correctional Services to have a certain number of years of  
16 eligibility service or be a certain age to receive a normal service retirement  
17 allowance from the Correctional Officers' Retirement System; providing certain  
18 retirees of the Correctional Officers' Retirement System who were agents  
19 employed by the Division of Parole and Probation of the Department of Public  
20 Safety and Correctional Services with a certain cost-of-living adjustment;  
21 providing that certain provisions of law do not apply to certain transfers  
22 between the employees' systems and the Correctional Officers' Retirement  
23 System; and generally relating to transferring agents who are employed by the  
24 Division of Parole and Probation of the Department of Public Safety and  
25 Correctional Services into the Correctional Officers' Retirement System.

26 BY repealing and reenacting, without amendments,  
27 Article - Criminal Procedure  
28 Section 6-226(a)  
29 Annotated Code of Maryland  
30 (2001 Volume and 2004 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article - Criminal Procedure

1 Section 6-226(b) and (c)  
2 Annotated Code of Maryland  
3 (2001 Volume and 2004 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article - State Personnel and Pensions  
6 Section 25-201, 25-202, 25-401, 29-404, 29-410, and 37-201  
7 Annotated Code of Maryland  
8 (2004 Replacement Volume)

9 BY adding to  
10 Article - State Personnel and Pensions  
11 Section 25-206  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume)

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

16 **Article - Criminal Procedure**

17 6-226.

18 (a) In this section, "supervisee" means a person that the court places under  
19 the supervision of the Division of Parole and Probation.

20 (b) Unless the supervisee is exempt under subsection (d) of this section, the  
21 court shall impose a monthly fee of [\$25] \$40 on a supervisee.

22 (c) (1) The fee imposed under this section shall be paid to the Division of  
23 Parole and Probation.

24 (2) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
25 PARAGRAPH, THE Division of Parole and Probation shall pay the money collected  
26 under this section into the General Fund of the State.

27 (II) THE DIVISION OF PAROLE AND PROBATION SHALL PAY \$15 OF  
28 EACH FEE COLLECTED UNDER SUBSECTION (B) OF THIS SECTION TO A SPECIAL  
29 FUND, TO BE USED ONLY FOR THE PURPOSE OF FUNDING ANY RETIREMENT  
30 BENEFIT ENHANCEMENT FOR MEMBERS OF THE DIVISION OF PAROLE AND  
31 PROBATION AS PROVIDED FOR IN CHAPTER \_\_\_\_ (S.B. \_\_\_\_/H.B. \_\_\_\_ ) (5LR2318) OF THE  
32 ACTS OF THE GENERAL ASSEMBLY OF 2005.

**Article - State Personnel and Pensions**

1  
2 25-201.

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

5 (1) correctional officers serving in any of the first six job classifications;  
6 [and]

7 (2) security attendants at Clifton T. Perkins Hospital Center; AND

8 (3) AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE  
9 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10 (b) This subtitle does not apply to an employee of the Baltimore City Jail as of  
11 June 30, 1991, who:

12 (1) became an employee of the Baltimore City Detention Center on July  
13 1, 1991; and

14 (2) who did not elect to become a member of the Correctional Officers'  
15 Retirement System on that date.

16 25-202.

17 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
18 individual described in § 25-201(a) of this subtitle is a member of the Correctional  
19 Officers' Retirement System as a condition of employment.

20 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MEMBERSHIP IN  
21 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IS OPTIONAL FOR AN  
22 INDIVIDUAL DESCRIBED IN § 25-201 OF THIS SUBTITLE WHO WAS EMPLOYED BY THE  
23 DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND  
24 CORRECTIONAL SERVICES ON JUNE 30, 2005, AND WHO ELECTS MEMBERSHIP ON OR  
25 BEFORE DECEMBER 31, 2005.

26 (2) TO ELECT TO BE A MEMBER OF THE CORRECTIONAL OFFICERS'  
27 RETIREMENT SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH  
28 THE STATE RETIREMENT AGENCY.

29 (3) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP DURING THE  
30 APPLICABLE PERIOD SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
31 INDIVIDUAL MAY NOT BECOME A MEMBER OF THE CORRECTIONAL OFFICERS'  
32 RETIREMENT SYSTEM.

33 25-206.

34 (A) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE FROM  
35 THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM AS  
36 AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF

1 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL  
2 TRANSFER TO THE ACCUMULATION FUND OF THE CORRECTIONAL OFFICERS'  
3 RETIREMENT SYSTEM THE EMPLOYER CONTRIBUTIONS THAT WERE MADE TO THE  
4 EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM ON  
5 BEHALF OF THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON  
6 THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

7 (B) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE FROM  
8 THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM AS  
9 AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF  
10 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL  
11 TRANSFER TO THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS'  
12 RETIREMENT SYSTEM THE EMPLOYEE CONTRIBUTIONS THAT WERE MADE TO THE  
13 EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM BY  
14 THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON THOSE  
15 CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

16 25-401.

17 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
18 A member may retire with a normal service retirement allowance if:

19 [(1)] (I) on or before the date of retirement, the member has at least 20  
20 years of eligibility service;

21 [(2)] (II) for at least 5 years immediately before retirement, the member  
22 was a security attendant at Clifton T. Perkins Hospital Center, a correctional officer  
23 in any of the first six job classifications, or in a combination of these positions; and

24 [(3)] (III) the member completes and submits a written application to the  
25 Board of Trustees stating the date when the member desires to retire.

26 (2) A MEMBER WHO IS AN AGENT OF THE DIVISION OF PAROLE AND  
27 PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
28 SERVICES MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:

29 (I) 1. ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER  
30 HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

31 2. IS AT LEAST 55 YEARS OLD; AND

32 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN  
33 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER  
34 DESIRES TO RETIRE.

35 (b) On retirement under this section, a member is entitled to receive a normal  
36 service retirement allowance that equals one fifty-fifth of the member's average final  
37 compensation multiplied by the number of years of creditable service.

1 29-404.

2 (a) Except as provided in subsection (b) of this section, this Part II of this  
3 subtitle applies only to an allowance received by a former member, retiree, or  
4 surviving beneficiary of a deceased member, former member, or retiree of:

5 (1) the Employees' Pension System if the deceased member, former  
6 member, or retiree was an employee of a participating governmental unit or a former  
7 participating governmental unit, other than Frederick County, that has withdrawn  
8 while a member; [or]

9 (2) the Local Fire and Police System; OR

10 (3) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, IF THE  
11 DECEASED MEMBER, FORMER MEMBER, OR RETIREE WAS AN AGENT OF THE  
12 DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND  
13 CORRECTIONAL SERVICES.

14 (b) This Part II of this subtitle does not apply to an allowance that is subject to  
15 adjustment under Part II, Part IV, Part V, or Part VI of this subtitle.

16 29-410.

17 (a) This Part III applies only to an allowance received by:

18 (1) a former member, retiree, or surviving spouse of a member:

19 (i) of the Correctional Officers' Retirement System WHO WAS NOT  
20 AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF  
21 PUBLIC SAFETY AND CORRECTIONAL SERVICES;

22 (ii) of the Employees' Retirement System or the Teachers'  
23 Retirement System who elected Selection A (Additional member contributions);

24 (iii) of the State Police Retirement System;

25 (iv) who transferred to the Local Fire and Police System from the  
26 Employees' Retirement System; or

27 (v) who transferred to the Law Enforcement Officers' Pension  
28 System from the Employees' Retirement System and had elected Selection A  
29 (Additional member contributions); or

30 (2) a surviving beneficiary of a deceased former member or retiree  
31 described in item (1) of this subsection.

32 (b) This Part III does not apply to:

33 (1) benefits paid in a single payment;

34 (2) the return of accumulated contributions; or

1 (3) benefits attributable to additional contributions.

2 37-201.

3 (a) Subject to subsection (b) of this section, this title applies to transfers from  
4 a State or local retirement or pension system to another State or local retirement or  
5 pension system only if:

6 (1) each system is operated on an actuarial basis; and

7 (2) under each system contributions that are computed to be sufficient to  
8 provide the reserves needed to cover the benefits payable on account of the system's  
9 members are made during the employment of members.

10 (b) This title does not apply to:

11 (1) a transfer to the Judges' Retirement System of the State of Maryland;

12 (2) a transfer to or from the Legislative Pension Plan of the State of  
13 Maryland except to the extent provided by the Joint Resolution submitted to the  
14 General Assembly by the General Assembly Compensation Commission under Article  
15 III, § 15 of the Maryland Constitution;

16 (3) a transfer from the Employees' Retirement System of the State of  
17 Maryland to the Employees' Pension System of the State of Maryland on or before  
18 December 31, 2004;

19 (4) a transfer from the Teachers' Retirement System of the State of  
20 Maryland to the Teachers' Pension System of the State of Maryland on or before  
21 December 31, 2004;

22 (5) a transfer between the Employees' Retirement System of the State of  
23 Maryland and the Teachers' Retirement System of the State of Maryland;

24 (6) a transfer between the Employees' Pension System of the State of  
25 Maryland and the Teachers' Pension System of the State of Maryland if the member  
26 is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of  
27 this article in the previous and current system; [or]

28 (7) a transfer between the Employees' Pension System of the State of  
29 Maryland and the Teachers' Pension System of the State of Maryland if the member  
30 is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this  
31 article in the previous and current system;

32 (8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT SYSTEM AND  
33 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT  
34 OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC  
35 SAFETY AND CORRECTIONAL SERVICES; OR

1           (9)     A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM AND THE  
2 CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT OF  
3 THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY  
4 AND CORRECTIONAL SERVICES.

5     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
6 effect July 1, 2005.