
By: ~~Senator Jimeno~~ **Senators Jimeno and Kasemeyer**

Introduced and read first time: February 4, 2005

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2005

CHAPTER _____

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~~

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

4 ~~BY repealing and reenacting, with amendments,~~
 5 ~~Article—Criminal Procedure~~
 6 ~~Section 6-226(b) and (c)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2001 Volume and 2004 Supplement)~~

9 BY repealing and reenacting, with amendments,
 10 Article - State Personnel and Pensions
 11 Section 25-201, 25-202, 25-401, ~~29-404, 29-410,~~ and 37-201
 12 Annotated Code of Maryland
 13 (2004 Replacement Volume)

14 BY adding to
 15 Article - State Personnel and Pensions
 16 Section 25-206
 17 Annotated Code of Maryland
 18 (2004 Replacement Volume)

19 BY repealing and reenacting, without amendments,
 20 Article - State Personnel and Pensions
 21 Section 29-410
 22 Annotated Code of Maryland
 23 (2004 Replacement Volume)

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

26 **~~Article—Criminal Procedure~~**

27 ~~6-226.~~

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

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

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

1 (2) (4) ~~[The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 2 ~~PARAGRAPH, THE Division of Parole and Probation shall pay the money collected~~
 3 ~~under this section into the General Fund of the State.~~

4 (II) ~~THE DIVISION OF PAROLE AND PROBATION SHALL PAY \$15 OF~~
 5 ~~EACH FEE COLLECTED UNDER SUBSECTION (B) OF THIS SECTION TO A SPECIAL~~
 6 ~~FUND, TO BE USED ONLY FOR THE PURPOSE OF FUNDING ANY RETIREMENT~~
 7 ~~BENEFIT ENHANCEMENT FOR MEMBERS OF THE DIVISION OF PAROLE AND~~
 8 ~~PROBATION AS PROVIDED FOR IN CHAPTER ____ (S.B. ____ /H.B. ____) (SLR2318) OF THE~~
 9 ~~ACTS OF THE GENERAL ASSEMBLY OF 2005.~~

10 **Article - State Personnel and Pensions**

11 25-201.

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

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

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

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

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

21 (1) became an employee of the Baltimore City Detention Center on July
 22 1, 1991; and

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

25 25-202.

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

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

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

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

8 25-206.

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

18 (B) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE FROM
19 THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM AS
20 AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF
21 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL
22 TRANSFER TO THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS'
23 RETIREMENT SYSTEM THE EMPLOYEE CONTRIBUTIONS THAT WERE MADE TO THE
24 EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM BY
25 THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON THOSE
26 CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

27 25-401.

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

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

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

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

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

1 (I) ~~1-~~ ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER
2 HAS AT LEAST ~~25~~ 20 YEARS OF ELIGIBILITY SERVICE; ~~OR~~ AND

3 ~~2-~~ IS AT LEAST 55 YEARS OLD; AND

4 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN
5 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER
6 DESIRES TO RETIRE.

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

10 ~~29-404.~~

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

14 ~~(1) the Employees' Pension System if the deceased member, former~~
15 ~~member, or retiree was an employee of a participating governmental unit or a former~~
16 ~~participating governmental unit, other than Frederick County, that has withdrawn~~
17 ~~while a member; [or]~~

18 ~~(2) the Local Fire and Police System; OR~~

19 ~~(3) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, IF THE~~
20 ~~DECEASED MEMBER, FORMER MEMBER, OR RETIREE WAS AN AGENT OF THE~~
21 ~~DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND~~
22 ~~CORRECTIONAL SERVICES.~~

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

25 ~~29-410.~~

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

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

28 (i) of the Correctional Officers' Retirement System ~~WHO WAS NOT~~
29 ~~AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF~~
30 ~~PUBLIC SAFETY AND CORRECTIONAL SERVICES;~~

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

33 (iii) of the State Police Retirement System;

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

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

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

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

7 (1) benefits paid in a single payment;

8 (2) the return of accumulated contributions; or

9 (3) benefits attributable to additional contributions.

10 37-201.

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

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

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

18 (b) This title does not apply to:

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

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

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

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

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

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

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

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

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

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