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By: **Senators Conway, Della, Gladden, Hughes, Jones, and McFadden**

Introduced and read first time: February 14, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Law Enforcement Officers' Pension System - Membership - Baltimore City**  
3                                   **Community College Police Officers**

4 FOR the purpose of providing certain police officers who are employed by the  
5 Baltimore City Community College with membership in the Law Enforcement  
6 Officers' Pension System; making membership optional for certain police officers  
7 who are employed by the Baltimore City Community College; and generally  
8 relating to retirement benefits for police officers who are employed by the  
9 Baltimore City Community College.

10 BY repealing and reenacting, with amendments,  
11 Article - State Personnel and Pensions  
12 Section 26-201 and 26-202  
13 Annotated Code of Maryland  
14 (2004 Replacement Volume)

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

17                                   **Article - State Personnel and Pensions**

18 26-201.

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

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

23 (i) a Natural Resources police officer; or

24 (ii) a law enforcement officer, other than a Natural Resources police  
25 officer;

26 (2) a law enforcement officer employed by the Field Enforcement  
27 Division;

1 (3) a member of the Maryland Transportation Authority Police Force  
2 who has the powers granted to a police officer under § 4-208 of the Transportation  
3 Article;

4 (4) a deputy sheriff employed by the Baltimore City Sheriff's  
5 Department;

6 (5) a member of the University of Maryland Police Force who has the  
7 powers granted to a police officer under § 13-601 of the Education Article;

8 (6) a law enforcement officer or firefighter employed by a participating  
9 governmental unit that on or after July 1, 1999 has elected to participate in the Law  
10 Enforcement Officers' Pension System;

11 (7) the State Fire Marshal or a Deputy State Fire Marshal;

12 (8) a member of the Morgan State University Police Force who has the  
13 powers granted to a police officer under § 14-106 of the Education Article;

14 (9) a member of the BWI Airport Fire & Rescue Department;

15 (10) a member of the Department of General Services Police Force who  
16 has the powers granted to a police officer under § 4-605 of the State Finance and  
17 Procurement Article;

18 (11) an employee of the Department of Health and Mental Hygiene  
19 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
20 Hygiene police officer;

21 (12) an employee of the Motor Vehicle Administration commissioned by  
22 the Secretary of the Department of Transportation as a Motor Vehicle Administration  
23 police officer;

24 (13) an employee of the Department of Labor, Licensing, and Regulation  
25 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,  
26 Licensing, and Regulation police officer;

27 (14) a firefighter for the Martin State Airport employed by the Military  
28 Department;

29 (15) a police officer employed by the Division of Rehabilitation Services in  
30 the Department of Education, certified in accordance with the Maryland Police and  
31 Correctional Training Commissions; [or]

32 (16) a firefighter or paramedic employed by the Salisbury Fire  
33 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this  
34 article; OR

35 (17) A POLICE OFFICER WHO IS EMPLOYED BY THE BALTIMORE CITY  
36 COMMUNITY COLLEGE.

1 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

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

33 (11) a police officer employed by the Division of Rehabilitation Services in  
34 the Department of Education who:

35 (i) is certified in accordance with the Maryland Police and  
36 Correctional Training Commissions; and

1 (ii) transferred from the Employees' Retirement System to the  
2 Employees' Pension System on or after April 1, 1998; [or]

3 (12) a firefighter or paramedic employed by the Salisbury Fire  
4 Department who transferred from the Employees' Retirement System to the  
5 Employees' Pension System on or after April 1, 1998; OR

6 (13) A POLICE OFFICER EMPLOYED BY THE BALTIMORE CITY  
7 COMMUNITY COLLEGE WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT  
8 SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

9 26-202.

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

13 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
14 Enforcement Officers' Pension System is optional for an individual described in §  
15 26-201 of this subtitle:

16 (i) who was employed by the Department of Natural Resources on  
17 July 1, 1990 and who elects membership on or before December 31, 2002;

18 (ii) who was employed by the Field Enforcement Division on June  
19 30, 1995 and who elects membership on or before December 31, 2002;

20 (iii) who was employed by the Maryland Transportation Authority  
21 on June 30, 1997 and who elects membership on or before December 31, 2002;

22 (iv) who was employed by the Baltimore City Sheriff's Department  
23 on June 30, 1997 and who elects membership on or before December 31, 2002;

24 (v) who was employed by the University of Maryland Police Force  
25 on June 30, 1999 and who elects membership on or before December 31, 2002;

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

30 (vii) who was employed by the Maryland Port Administration Police  
31 Force and was subsequently transferred to and employed by the Maryland  
32 Transportation Authority Police Force on July 1, 1998 and who elects membership on  
33 or before December 31, 2002;

34 (viii) who was employed by the office of the State Fire Marshal on  
35 June 30, 1998 and who elects membership on or before December 31, 2002;

1 (ix) who was employed by the Morgan State University Police Force  
2 on June 30, 1999 and who elects membership on or before December 31, 2002;

3 (x) who was employed by the BWI Airport Fire & Rescue  
4 Department on June 30, 2000, and who elects membership on or before December 31,  
5 2002;

6 (xi) who was employed by the Department of General Services,  
7 Department of Health and Mental Hygiene, Motor Vehicle Administration, and  
8 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and  
9 who elects membership on or before December 31, 2002;

10 (xii) who was employed by the Military Department as a firefighter  
11 at Martin State Airport on June 30, 2001, and who elects membership on or before  
12 December 31, 2002;

13 (xiii) who was employed on June 30, 2002, by the Division of  
14 Rehabilitation Services in the Department of Education as a police officer certified in  
15 accordance with the Maryland Police and Correctional Training Commissions, and  
16 who elects membership on or before December 31, 2002; [or]

17 (xiv) who was employed on June 30, 2004, by the Salisbury Fire  
18 Department as a firefighter or paramedic and who elects membership on or before  
19 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; OR

20 (XV) WHO WAS EMPLOYED ON JUNE 30, 2005, BY THE BALTIMORE  
21 CITY COMMUNITY COLLEGE AS A POLICE OFFICER, AND WHO ELECTS MEMBERSHIP  
22 ON OR BEFORE DECEMBER 31, 2005.

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

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

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