

# HOUSE BILL 694

K4

(5lr2131)

## ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **Delegates Jackson, Angel, Barkley, D. Barnes, Barron, Buckel, Carter, Chang, Clippinger, Cluster, Fennell, Frush, Ghrist, Glenn, Haynes, Hettleman, Hill, Jalisi, Knotts, Lam, Luedtke, McConkey, McKay, O'Donnell, Patterson, B. Robinson, Sophocleus, Tarlau, Turner, Valderrama, Valentino-Smith, Vaughn, Vogt, Walker, A. Washington, C. Wilson, and Zucker**

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Division of Parole and Probation –**  
3 **Warrant Apprehension Unit Employees – Membership**

4 FOR the purpose of providing for the membership of employees of the Warrant  
5 Apprehension Unit in the Law Enforcement Officers' Pension System; authorizing  
6 certain employees of the Warrant Apprehension Unit to transfer membership to the  
7 Law Enforcement Officers' Pension System by a certain date; requiring the Board of  
8 Trustees for the State Retirement and Pension System to transfer certain funds to  
9 the accumulation fund of the Law Enforcement Officers' Pension System; requiring  
10 certain members of the Warrant Apprehension Unit to deposit certain amounts in

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 the annuity savings fund of the Law Enforcement Officers' Pension System;  
2 requiring the Board of Trustees to transfer certain funds to the annuity savings fund  
3 of the Law Enforcement Officers' Pension System; providing that certain accumulated  
4 contributions shall reduce the amount of a required deposit to the annuity savings  
5 fund of the Law Enforcement Officers' Pension System; and generally relating to  
6 membership in the Law Enforcement Officers' Pension System.

7 BY repealing and reenacting, without amendments,  
8 Article – Correctional Services  
9 Section 6–106  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – State Personnel and Pensions  
14 Section 26–201(a), 26–202, and 26–203.1  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2014 Supplement)

17 BY adding to  
18 Article – State Personnel and Pensions  
19 Section 26–203.4  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2014 Supplement)

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

24 **Article – Correctional Services**

25 6–106.

26 (a) There is a Warrant Apprehension Unit in the Division of Parole and  
27 Probation.

28 (b) The Director may authorize parole and probation employees of the Warrant  
29 Apprehension Unit to:

30 (1) execute warrants for the retaking of offenders;

31 (2) execute warrants for the arrest of probationers for whom a warrant is  
32 issued for an alleged violation of probation;

33 (3) obtain and execute search warrants as authorized under § 6–109 of this  
34 subtitle; and

1 (4) arrest offenders in the program as authorized under § 2–207 of the  
2 Criminal Procedure Article.

3 (c) A parole and probation employee who is authorized to make arrests under this  
4 section shall:

5 (1) meet the minimum qualifications required by the Maryland Police  
6 Training Commission; and

7 (2) complete satisfactorily the training prescribed by the Maryland Police  
8 Training Commission.

9 (d) A parole and probation employee who is authorized to make arrests under this  
10 section may also exercise the powers of a peace officer and police officer.

11 **Article – State Personnel and Pensions**

12 26–201.

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

15 (1) an employee of the Department of Natural Resources commissioned by  
16 the Secretary of Natural Resources as:

17 (i) a Natural Resources police officer; or

18 (ii) a law enforcement officer, other than a Natural Resources police  
19 officer;

20 (2) a law enforcement officer employed by the Field Enforcement Bureau;

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

23 (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;

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

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

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

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

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

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

7 (11) an employee of the Department of Health and Mental Hygiene  
8 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
9 Hygiene police officer;

10 (12) an employee of the Motor Vehicle Administration commissioned by the  
11 Secretary of Transportation as a Motor Vehicle Administration police officer;

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

15 (14) a firefighter or law enforcement officer for the Martin State Airport  
16 employed by the Military Department;

17 (15) a police officer employed by the Division of Rehabilitation Services in  
18 the Department of Education, certified in accordance with the Maryland Police and  
19 Correctional Training Commissions;

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

22 (17) an aviator employed by the Department of State Police to operate an  
23 aircraft for the State Emergency Medical System;

24 (18) a member of the Maryland Transit Administration Police Force who has  
25 the powers granted to a police officer under § 7–207 of the Transportation Article;

26 (19) an individual who is elected or appointed as the Baltimore City Sheriff  
27 and who does not elect to join the Employees' Pension System under Title 23 of this article  
28 within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

29 (20) a member of the Department of Public Safety and Correctional Services  
30 Intelligence and Investigative Division who has the powers granted to a police officer under  
31 § 10–701 of the Correctional Services Article; [or]

32 (21) a police officer employed by the Baltimore City Community College who  
33 has the power granted to a police officer under § 16–513 of the Education Article; **OR**

1           **(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE**  
2 **DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY**  
3 **AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE**  
4 **OFFICER OR POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES**  
5 **ARTICLE.**

6 26-202.

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

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

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

15                   (ii) who was employed by the Field Enforcement Division on June  
16 30, 1995 and who elects membership on or before December 31, 2002;

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

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

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

23                   (vi) who is employed by a participating governmental unit on the  
24 effective date of participation on or after July 1, 1999 for that participating governmental  
25 unit and who elects membership within 6 months of the effective date 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 Transportation  
28 Authority Police Force on July 1, 1998 and who elects membership on or before December  
29 31, 2002;

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

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, 2002;

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

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

7 (xii) who was employed by the Military Department as a firefighter at  
8 Martin State Airport on June 30, 2001, and who elects membership on or before December  
9 31, 2002;

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

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

17 (xv) who was employed on June 30, 2005, by the Department of State  
18 Police as an aviator operating an aircraft for the State Emergency Medical System, and  
19 who elects membership on or before December 31, 2005;

20 (xvi) who was employed by the Military Department as a law  
21 enforcement officer at Martin State Airport on June 30, 2007, and who elects membership  
22 on or before December 31, 2007;

23 (xvii) who was a member of the Department of Public Safety and  
24 Correctional Services Intelligence and Investigative Division who has powers granted to a  
25 police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who  
26 elects membership on or before December 31, 2007; [or]

27 (xviii) who was employed on July 1, 2008, as a police officer by the  
28 Baltimore City Community College Police Force and who elects membership on or before  
29 December 31, 2008; **OR**

30 **(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT APPREHENSION**  
31 **UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF**  
32 **PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS POWERS GRANTED TO A**  
33 **PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL**  
34 **SERVICES ARTICLE ON JUNE 30, 2015, AND WHO ELECTS MEMBERSHIP ON OR**  
35 **BEFORE DECEMBER 31, 2015.**

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

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

6 26–203.1.

7           (a) For members who transfer from the Employees' Pension System or the  
8 Employees' Retirement System, the Board of Trustees shall transfer to the accumulation  
9 fund of the Law Enforcement Officers' Pension System the employer contributions that  
10 were made to the Employees' Retirement System and the Employees' Pension System on  
11 behalf of those members who transferred, plus the interest earned on those contributions  
12 through the date of transfer.

13           (b) For those full-time employees of the BWI Airport Fire & Rescue Department  
14 who were employed on or after October 1, 1993 and who elect membership in the Law  
15 Enforcement Officers' Pension System on or before December 31, 2000, the Board of  
16 Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension  
17 System the employer contributions made to the Employees' Retirement System and the  
18 Employees' Pension System on behalf of those transferring members, plus the interest  
19 earned on those contributions through the date of transfer.

20           (c) (1) For members who transfer from a local pension system, the local  
21 pension system shall transfer to the Board of Trustees the employer contributions that were  
22 made to the local pension system on behalf of those members who transferred, plus the  
23 interest earned on those contributions through the date of transfer.

24           (2) The Board of Trustees shall deposit any funds transferred under  
25 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers'  
26 Pension System.

27           (d) (1) On or before January 1, 2006, for members who transfer from the  
28 Maryland Transit Administration Pension System established under § 7–603 of the  
29 Transportation Article, the Maryland Transit Administration shall transfer to the Board of  
30 Trustees the employer contributions made to the pension system established under §  
31 7–603 of the Transportation Article on behalf of those members who transfer, plus the  
32 interest earned on those contributions through July 1, 2005.

33           (2) The Board of Trustees shall deposit any funds transferred under  
34 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers'  
35 Pension System.

36           (e) (1) This subsection applies to members of the Department of Public Safety  
37 and Correctional Services Intelligence and Investigative Division who:

1 (i) have the powers granted to a police officer under § 10-701 of the  
2 Correctional Services Article; and

3 (ii) transfer to the Law Enforcement Officers' Pension System on or  
4 before December 31, 2007.

5 (2) The Board of Trustees shall transfer to the accumulation fund of the  
6 Law Enforcement Officers' Pension System the employer contributions made to the  
7 Correctional Officers' Retirement System or the Employees' Pension System on behalf of  
8 those members under paragraph (1) of this subsection, plus the interest earned on those  
9 contributions through the date of transfer.

10 **(F) (1) THIS SUBSECTION APPLIES TO A MEMBER OF THE WARRANT**  
11 **APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE**  
12 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**

13 **(I) HAS THE POWERS GRANTED TO A PEACE OFFICER OR**  
14 **POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

15 **(II) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS'**  
16 **PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.**

17 **(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE**  
18 **ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM**  
19 **THE EMPLOYER CONTRIBUTIONS MADE TO ~~THE CORRECTIONAL OFFICERS'~~**  
20 **~~RETIREMENT SYSTEM OR~~ THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF**  
21 **THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST**  
22 **EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

23 **26-203.4.**

24 **(A) THIS SECTION APPLIES TO AN EMPLOYEE OF THE WARRANT**  
25 **APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE**  
26 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**

27 **(1) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE**  
28 **OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

29 **(2) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION**  
30 **SYSTEM ON OR BEFORE DECEMBER 31, 2015.**

31 **(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW**  
32 **ENFORCEMENT OFFICERS' PENSION SYSTEM:**

1           (1) CONTRIBUTIONS AT THE RATES SPECIFIED UNDER § 26-204 OF  
2 THIS SUBTITLE; AND

3           (2) REGULAR INTEREST ON THE CONTRIBUTIONS REQUIRED UNDER  
4 ITEM (1) OF THIS SUBSECTION AT THE RATE OF 5% PER YEAR COMPOUNDED  
5 ANNUALLY.

6           (C) (1) THE BOARD OF TRUSTEES SHALL TRANSFER A MEMBER'S  
7 ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE  
8 EMPLOYEE'S PENSION SYSTEM TO THE ANNUITY SAVINGS FUND OF THE LAW  
9 ENFORCEMENT OFFICERS' PENSION SYSTEM.

10           (2) THE AMOUNT A MEMBER IS REQUIRED TO DEPOSIT UNDER  
11 SUBSECTION (B) OF THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF  
12 ACCUMULATED CONTRIBUTIONS TRANSFERRED UNDER THIS SUBSECTION.

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.