

SENATE BILL 286

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5lr2056
CF 5lr2131

By: **Senator Manno**

Introduced and read first time: February 5, 2015

Assigned to: Budget and Taxation

A BILL ENTITLED

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
11 the annuity savings fund of the Law Enforcement Officers' Pension System; and
12 generally relating to membership in the Law Enforcement Officers' Pension System.

13 BY repealing and reenacting, without amendments,
14 Article – Correctional Services
15 Section 6–106
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Personnel and Pensions
20 Section 26–201(a), 26–202, and 26–203.1
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2014 Supplement)

23 BY adding to
24 Article – State Personnel and Pensions
25 Section 26–203.4
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Correctional Services**

4 6–106.

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

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

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

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

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

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

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

18 (1) meet the minimum qualifications required by the Maryland Police
19 Training Commission; and

20 (2) complete satisfactorily the training prescribed by the Maryland Police
21 Training Commission.

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

24 **Article – State Personnel and Pensions**

25 26–201.

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

28 (1) an employee of the Department of Natural Resources commissioned by
29 the Secretary of Natural Resources as:

30 (i) a Natural Resources police officer; or

- 1 (ii) a law enforcement officer, other than a Natural Resources police
2 officer;
- 3 (2) a law enforcement officer employed by the Field Enforcement Bureau;
- 4 (3) a member of the Maryland Transportation Authority Police Force who
5 has the powers granted to a police officer under § 4–208 of the Transportation Article;
- 6 (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;
- 7 (5) a member of the University of Maryland Police Force who has the
8 powers granted to a police officer under § 13–601 of the Education Article;
- 9 (6) a law enforcement officer or firefighter employed by a participating
10 governmental unit that on or after July 1, 1999 has elected to participate in the Law
11 Enforcement Officers’ Pension System;
- 12 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 13 (8) a member of the Morgan State University Police Force who has the
14 powers granted to a police officer under § 14–106 of the Education Article;
- 15 (9) a member of the BWI Airport Fire & Rescue Department;
- 16 (10) a member of the Department of General Services Police Force who has
17 the powers granted to a police officer under § 4–605 of the State Finance and Procurement
18 Article;
- 19 (11) an employee of the Department of Health and Mental Hygiene
20 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
21 Hygiene police officer;
- 22 (12) an employee of the Motor Vehicle Administration commissioned by the
23 Secretary of Transportation as a Motor Vehicle Administration 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, Licensing,
26 and Regulation police officer;
- 27 (14) a firefighter or law enforcement officer for the Martin State Airport
28 employed by the Military 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;

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

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

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

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

10 (20) a member of the Department of Public Safety and Correctional Services
11 Intelligence and Investigative Division who has the powers granted to a police officer under
12 § 10–701 of the Correctional Services Article; [or]

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

15 **(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE**
16 **DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY**
17 **AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE**
18 **OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES**
19 **ARTICLE.**

20 26–202.

21 (a) Except as provided in subsection (b) of this section, an individual described in
22 § 26–201 of this subtitle is a member of the Law Enforcement Officers' Pension System as
23 a condition of employment.

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

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

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

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

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

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

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

8 (vii) who was employed by the Maryland Port Administration Police
9 Force and was subsequently transferred to and employed by the Maryland Transportation
10 Authority Police Force on July 1, 1998 and who elects membership on or before December
11 31, 2002;

12 (viii) who was employed by the office of the State Fire Marshal on June
13 30, 1998 and who elects membership on or before December 31, 2002;

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

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

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

22 (xii) who was employed by the Military Department as a firefighter at
23 Martin State Airport on June 30, 2001, and who elects membership on or before December
24 31, 2002;

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

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

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

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

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

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

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

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

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

22 26–203.1.

23 (a) For members who transfer from the Employees' Pension System or the
24 Employees' Retirement System, the Board of Trustees shall transfer to the accumulation
25 fund of the Law Enforcement Officers' Pension System the employer contributions that
26 were made to the Employees' Retirement System and the Employees' Pension System on
27 behalf of those members who transferred, plus the interest earned on those contributions
28 through the date of transfer.

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

36 (c) (1) For members who transfer from a local pension system, the local
37 pension system shall transfer to the Board of Trustees the employer contributions that were

1 made to the local pension system on behalf of those members who transferred, plus the
2 interest earned on those contributions through the date of transfer.

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

6 (d) (1) On or before January 1, 2006, for members who transfer from the
7 Maryland Transit Administration Pension System established under § 7-603 of the
8 Transportation Article, the Maryland Transit Administration shall transfer to the Board of
9 Trustees the employer contributions made to the pension system established under §
10 7-603 of the Transportation Article on behalf of those members who transfer, plus the
11 interest earned on those contributions through July 1, 2005.

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

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

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

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

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

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

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

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

33 **(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE**
34 **ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM**
35 **THE EMPLOYER CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS'**

1 **RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF**
2 **THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST**
3 **EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

4 **26-203.4.**

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

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

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

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

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

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

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
20 **1, 2015.**