

# SENATE BILL 286

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CF HB 694

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By: **Senator Manno**

Introduced and read first time: February 5, 2015

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2015

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## 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  
11 the annuity savings fund of the Law Enforcement Officers' Pension System;  
12 requiring the Board of Trustees to transfer certain funds to the annuity savings fund  
13 of the Law Enforcement Officers' Pension System; providing that certain  
14 accumulated contributions shall reduce the amount of a required deposit to the  
15 annuity savings fund of the Law Enforcement Officers' Pension System; and  
16 generally relating to membership in the Law Enforcement Officers' Pension System.

17 BY repealing and reenacting, without amendments,  
18 Article – Correctional Services  
19 Section 6–106  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – State Personnel and Pensions

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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.



1 Section 26–201(a), 26–202, and 26–203.1  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2014 Supplement)

4 BY adding to  
5 Article – State Personnel and Pensions  
6 Section 26–203.4  
7 Annotated Code of Maryland  
8 (2009 Replacement Volume and 2014 Supplement)

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

11 **Article – Correctional Services**

12 6–106.

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

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

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

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

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

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

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

26 (1) meet the minimum qualifications required by the Maryland Police  
27 Training Commission; and

28 (2) complete satisfactorily the training prescribed by the Maryland Police  
29 Training Commission.

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

32 **Article – State Personnel and Pensions**

1 26–201.

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

4 (1) an employee of the Department of Natural Resources commissioned by  
5 the Secretary of Natural Resources as:

6 (i) a Natural Resources police officer; or

7 (ii) a law enforcement officer, other than a Natural Resources police  
8 officer;

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

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

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

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

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

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

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

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

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

25 (11) an employee of the Department of Health and Mental Hygiene  
26 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
27 Hygiene police officer;

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

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

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

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

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

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

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

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

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

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

23 **(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE**  
24 **DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY**  
25 **AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE**  
26 **OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES**  
27 **ARTICLE.**

28 26–202.

29 (a) Except as provided in subsection (b) of this section, an individual described in  
30 § 26–201 of this subtitle is a member of the Law Enforcement Officers' Pension System as  
31 a condition of employment.

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

- 1 (i) who was employed by the Department of Natural Resources on  
2 July 1, 1990 and who elects membership on or before December 31, 2002;
- 3 (ii) who was employed by the Field Enforcement Division on June  
4 30, 1995 and who elects membership on or before December 31, 2002;
- 5 (iii) who was employed by the Maryland Transportation Authority on  
6 June 30, 1997 and who elects membership on or before December 31, 2002;
- 7 (iv) who was employed by the Baltimore City Sheriff's Department  
8 on June 30, 1997 and who elects membership on or before December 31, 2002;
- 9 (v) who was employed by the University of Maryland Police Force on  
10 June 30, 1999 and who elects membership on or before December 31, 2002;
- 11 (vi) who is employed by a participating governmental unit on the  
12 effective date of participation on or after July 1, 1999 for that participating governmental  
13 unit and who elects membership within 6 months of the effective date of participation;
- 14 (vii) who was employed by the Maryland Port Administration Police  
15 Force and was subsequently transferred to and employed by the Maryland Transportation  
16 Authority Police Force on July 1, 1998 and who elects membership on or before December  
17 31, 2002;
- 18 (viii) who was employed by the office of the State Fire Marshal on June  
19 30, 1998 and who elects membership on or before December 31, 2002;
- 20 (ix) who was employed by the Morgan State University Police Force  
21 on June 30, 1999 and who elects membership on or before December 31, 2002;
- 22 (x) who was employed by the BWI Airport Fire & Rescue  
23 Department on June 30, 2000, and who elects membership on or before December 31, 2002;
- 24 (xi) who was employed by the Department of General Services,  
25 Department of Health and Mental Hygiene, Motor Vehicle Administration, and  
26 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and who  
27 elects membership on or before December 31, 2002;
- 28 (xii) who was employed by the Military Department as a firefighter at  
29 Martin State Airport on June 30, 2001, and who elects membership on or before December  
30 31, 2002;
- 31 (xiii) who was employed on June 30, 2002, by the Division of  
32 Rehabilitation Services in the Department of Education as a police officer certified in  
33 accordance with the Maryland Police and Correctional Training Commissions, and who  
34 elects membership on or before December 31, 2002;

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

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

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

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

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

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

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 Agency.

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

28 26–203.1.

29 (a) For members who transfer from the Employees' Pension System or the  
30 Employees' Retirement System, the Board of Trustees shall transfer to the accumulation  
31 fund of the Law Enforcement Officers' Pension System the employer contributions that  
32 were made to the Employees' Retirement System and the Employees' Pension System on  
33 behalf of those members who transferred, plus the interest earned on those contributions  
34 through the date of transfer.

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

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

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 (d) (1) On or before January 1, 2006, for members who transfer from the  
16 Maryland Transit Administration Pension System established under § 7-603 of the  
17 Transportation Article, the Maryland Transit Administration shall transfer to the Board of  
18 Trustees the employer contributions made to the pension system established under §  
19 7-603 of the Transportation Article on behalf of those members who transfer, plus the  
20 interest earned on those contributions through July 1, 2005.

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

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

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

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

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

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

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

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

5 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE  
6 ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM  
7 THE EMPLOYER CONTRIBUTIONS MADE TO ~~THE CORRECTIONAL OFFICERS'~~  
8 ~~RETIREMENT SYSTEM OR~~ THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF  
9 THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST  
10 EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

11 **26-203.4.**

12 (A) THIS SECTION APPLIES TO AN EMPLOYEE OF THE WARRANT  
13 APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE  
14 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:

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

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

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

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

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

26 (C) (1) THE BOARD OF TRUSTEES SHALL TRANSFER A MEMBER'S  
27 ACCUMULATED CONTRIBUTIONS FROM THE ANNUITY SAVINGS FUND OF THE  
28 EMPLOYEE'S PENSION SYSTEM TO THE ANNUITY SAVINGS FUND OF THE LAW  
29 ENFORCEMENT OFFICERS' PENSION SYSTEM.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.