
By: Delegates Branch, C. Mitchell, Fulton, and Opara

Introduced and read first time: February 1, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System - Special Disability Retirement**

3 FOR the purpose of allowing members of the Correctional Officers' Retirement System
4 to receive special disability retirement allowances instead of accidental disability
5 retirement allowances under certain conditions; exempting an application for
6 special disability under the Correctional Officers' Retirement System from certain
7 application requirements; and generally relating to special disability retirement of
8 members of the Correctional Officers' Retirement System.

9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 29-104(c) and (d) and 29-109 through 29-111
12 Annotated Code of Maryland
13 (1994 Volume and 1995 Supplement)

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

16 **Article - State Personnel and Pensions**

17 29-104.

18 (c) (1) This subsection applies only to an application for disability retirement
19 from a former member of:

- 20 (i) the Correctional Officers' Retirement System;
- 21 (ii) the Employees' Pension System;
- 22 (iii) the Employees' Retirement System;
- 23 (iv) the Local Fire and Police System;
- 24 (v) the Natural Resources Pension System; and
- 25 (vi) the Teachers' Pension System.

26 (2) The Board of Trustees may accept an application for ordinary [or],
27 accidental, OR SPECIAL disability retirement from a former member within 36 months
28 after the month membership ended if the former member proves to the satisfaction of the

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1 medical board that failure to submit an application while a member was attributable
2 solely to physical or mental incapacity during the filing period.

3 (3) If the Board of Trustees accepts a disability retirement application
4 under this subsection and grants a disability retirement allowance, the retirement
5 allowance begins as of the first day of the month after the Board of Trustees receives the
6 application.

7 (d) (1) This subsection does not apply to an application for special disability
8 under THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM OR the State Police
9 Retirement System.

10 (2) The Board of Trustees may not accept an application for accidental
11 disability filed by a member or former member more than 5 years after the date of the
12 claimed accident unless the member or former member proves to the satisfaction of the
13 medical board that failure to submit an application within the required 5 years was
14 attributable solely to physical or mental conditions that resulted directly from the event or
15 act of duty that caused the disability.

16 29-109.

17 (a) This section does not apply to THE CORRECTIONAL OFFICERS'
18 RETIREMENT SYSTEM OR the State Police Retirement System.

19 (b) The Board of Trustees shall grant an accidental disability retirement
20 allowance to a member if:

21 (1) the member is totally and permanently incapacitated for duty as the
22 natural and proximate result of an accident that occurred in the actual performance of
23 duty at a definite time and place without willful negligence by the member; and

24 (2) the medical board certifies that:

25 (i) the member is mentally or physically incapacitated for the further
26 performance of the normal duties of the member's position;

27 (ii) the incapacity is likely to be permanent; and

28 (iii) the member should be retired.

29 29-110.

30 (a) This section does not apply to THE CORRECTIONAL OFFICERS'
31 RETIREMENT SYSTEM OR the State Police Retirement System.

32 (b) Except as provided in subsection (c) of this section, an accidental disability
33 retirement allowance equals the lesser of:

34 (1) the member's average final compensation; or

35 (2) the sum of:

36 (i) an annuity that is the actuarial equivalent of the member's
37 accumulated contributions at retirement; and

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1 (ii) a pension equal to two-thirds of the member's averagefinal
2 compensation.

3 (c) (1) This subsection applies to a member of a State system other than the
4 Natural Resources Pension System who is at least normal retirement age.

5 (2) An accidental disability retirement allowance equals the greater of:

6 (i) a normal service retirement allowance; or

7 (ii) an accidental disability retirement allowance computed in
8 accordance with subsection (b) of this section.

9 29-111.

10 (a) This section applies to:

11 (1) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND

12 (2) the State Police Retirement System.

13 (b) The Board of Trustees shall grant a special disability retirement allowance to
14 a member if:

15 (1) the member is totally and permanently incapacitated for duty arising out
16 of or in the course of the actual performance of duty without willful negligence by the
17 member; and

18 (2) the medical board certifies that:

19 (i) the member is totally incapacitated, either mentally or physically,
20 for the further performance of duty;

21 (ii) the incapacity is likely to be permanent; and

22 (iii) the member should be retired.

23 (c) Except as provided in subsection (d) of this section, a special disability
24 retirement allowance equals the lesser of:

25 (1) the member's average final compensation; or

26 (2) the sum of:

27 (i) an annuity that is the actuarial equivalent of the member's
28 accumulated contributions at retirement; and

29 (ii) a pension equal to two-thirds of the member's averagefinal
30 compensation.

31 (d) (1) This subsection applies to a member who is at least normal retirement
32 age.

33 (2) A special disability retirement allowance equals the greater of:

34 (i) a normal service retirement allowance; or

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1 (ii) a special disability retirement allowance computed in accordance
2 with subsection (c) of this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1996.