

HOUSE BILL 61

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2001 Regular Session  
11r0821

(PRE-FILED)

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By: **Delegate Boutin**  
Requested: November 9, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Pensions - Military Service Credit - Sworn Federal Law Enforcement**  
3 **Officers**

4 FOR the purpose of including certain employment as a sworn federal law enforcement  
5 officer as service credit for military service for certain members of a State  
6 retirement or pension system; and generally relating to service credit for  
7 employment as former sworn federal law enforcement officers for certain  
8 members of a State retirement or pension system.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 38-104  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 2000 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 38-104.

18 (a) (1) Except as provided in subsection (b) of this section, a member of a  
19 State system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of  
20 this subtitle, is entitled to receive service credit for military service only on the  
21 attainment of 10 years of creditable service.

22 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, MILITARY  
23 SERVICE SHALL INCLUDE EMPLOYMENT AS A SWORN FEDERAL LAW ENFORCEMENT  
24 OFFICER PRIOR TO BECOMING A MEMBER OF A STATE SYSTEM.

25 (b) (1) A member of a State system may not receive credit for that military  
26 service if the member receives credit for military service from another retirement  
27 system for which retirement benefits have been or will be received by the member.

- 1           (2)     Paragraph (1) of this subsection does not apply to:
- 2                   (i)     credit for military service provided under:
- 3                           1.     the Social Security Act;
- 4                           2.     the National Railroad Retirement Act; or
- 5                           3.     Title 3 or Title 10, Chapter 67, §§ 1331 through 1337 of the  
6 United States Code; or
- 7                   (ii)    disability payments from a pension or retirement system.
- 8           (3)     (i)     Military service credit under this section may not exceed 5  
9 years.
- 10                   (ii)    Subject to subparagraph (i) of this paragraph, for military  
11 service with the Maryland National Guard, a member shall receive service credit at  
12 the rate of 4 months for each full year of service with the Maryland National Guard,  
13 not to exceed a total of 36 months.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2001.