

HOUSE BILL 116

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HB 1437/01 - HRU

2002 Regular Session
2lr0921

By: **Delegate Hubbard**

Introduced and read first time: January 11, 2002

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Division of**
3 **Parole and Probation of the Department of Public Safety and Correctional**
4 **Services**

5 FOR the purpose of providing certain agents who are employed by the Division of
6 Parole and Probation of the Department of Public Safety and Correctional
7 Services with membership in the Law Enforcement Officers' Pension System;
8 and generally relating to pensions for parole and probation agents who are
9 employed by the Division of Parole and Probation of the Department of Public
10 Safety and Correctional Services.

11 BY repealing and reenacting, with amendments,
12 Article - State Personnel and Pensions
13 Section 26-201 and 26-202
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2001 Supplement)

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

18 **Article - State Personnel and Pensions**

19 26-201.

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

22 (1) an employee of the Department of Natural Resources commissioned
23 by the Secretary of Natural Resources as:

24 (i) a Natural Resources police officer; or

25 (ii) a law enforcement officer, other than a Natural Resources police
26 officer;

1 (2) a law enforcement officer employed by the Field Enforcement
2 Division;

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

6 (4) a deputy sheriff employed by the Baltimore City Sheriff's
7 Department;

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

10 (6) a law enforcement officer employed by a participating governmental
11 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement
12 Officers' Pension System;

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

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

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

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

20 (11) an employee of the Department of Health and Mental Hygiene
21 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
22 Hygiene police officer;

23 (12) an employee of the Motor Vehicle Administration commissioned by
24 the Secretary of the Department of Transportation as a Motor Vehicle Administration
25 police officer;

26 (13) an employee of the Department of Labor, Licensing, and Regulation
27 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
28 Licensing, and Regulation police officer; [or]

29 (14) a firefighter for the Martin State Airport employed by the Military
30 Department; OR

31 (15) AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF THE
32 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

33 (b) This subtitle does not apply to:

34 (1) a Maryland Transportation Authority police officer who transferred
35 from the Employees' Retirement System to the Employees' Pension System on or after
36 December 1, 1996;

1 (2) a deputy sheriff employed by the Baltimore City Sheriff's
2 Department who transferred from the Employees' Retirement System to the
3 Employees' Pension System on or after December 1, 1996;

4 (3) a member of the University of Maryland Police Force who transferred
5 from the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1997;

7 (4) a law enforcement officer employed by a participating governmental
8 unit who transferred from the Employees' Retirement System to the Employees'
9 Pension System on or after December 1, 1997;

10 (5) a Maryland Port Administration police officer who transferred from
11 the Employees' Retirement System to the Employees' Pension System on or after
12 December 1, 1997;

13 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
14 from the Employees' Retirement System to the Employees' Pension System on or after
15 December 1, 1996;

16 (7) a member of the Morgan State University Police Force who
17 transferred from the Employees' Retirement System to the Employees' Pension
18 System on or after December 1, 1997;

19 (8) a member of the BWI Airport Fire & Rescue Department who
20 transferred from the Employees' Retirement System to the Employees' Pension
21 System on or after April 1, 1998;

22 (9) a member of the Department of General Services, Department of
23 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
24 Licensing, and Regulation Police Force who transferred from the Employees'
25 Retirement System to the Employees' Pension System on or after April 1, 1998; [or]

26 (10) a firefighter for the Martin State Airport employed by the Military
27 Department who transferred from the Employees' Retirement System to the
28 Employees' Pension System on or after April 1, 1998; OR

29 (11) AN AGENT OF THE DEPARTMENT OF PUBLIC SAFETY AND
30 CORRECTIONAL SERVICES, DIVISION OF PAROLE AND PROBATION WHO
31 TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES'
32 PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

33 26-202.

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

1 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
2 Enforcement Officers' Pension System is optional for an individual described in §
3 26-201 of this subtitle:

4 (i) who was employed by the Department of Natural Resources on
5 July 1, 1990 and who elects membership on or before December 31, 1997;

6 (ii) who was employed by the Field Enforcement Division on June
7 30, 1995 and who elects membership on or before December 31, 1997;

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

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

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

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

18 (vii) who was employed by the Maryland Port Administration Police
19 Force and was subsequently transferred to and employed by the Maryland
20 Transportation Authority Police Force on July 1, 1998 and who elects membership on
21 or before December 31, 1998;

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

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

26 (x) who was employed by the BWI Airport Fire & Rescue
27 Department on June 30, 2000, and who elects membership on or before December 29,
28 2000;

29 (xi) who was employed by the Department of General Services,
30 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
31 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
32 who elects membership on or before December 29, 2000; [or]

33 (xii) who was employed by the Military Department as a firefighter
34 at Martin State Airport on June 30, 2001, and who elects membership on or before
35 December 31, 2001; OR

36 (XIII) WHO WAS EMPLOYED BY THE DIVISION OF PAROLE AND
37 PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL

1 SERVICES ON JUNE 30, 2002, AND WHO ELECTS MEMBERSHIP ON OR BEFORE
2 DECEMBER 31, 2002.

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2002.