
By: **Delegates Boutin, Conroy, Kach, Klausmeier, La Vay, McClenahan,
Pielke, Snodgrass, and Stull**

Introduced and read first time: January 31, 2002

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 38-104
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2001 Supplement)

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

15 **Article - State Personnel and Pensions**

16 38-104.

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

21 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, MILITARY
22 SERVICE SHALL INCLUDE EMPLOYMENT AS A FEDERAL LAW ENFORCEMENT
23 OFFICER, AS DEFINED IN 5 U.S.C. § 8331, PRIOR TO BECOMING A MEMBER OF A STATE
24 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 1223, §§ 12731 through 12737
- 6 of the 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 July 1, 2002.