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By: **Senator Lawlah**  
Introduced and read first time: January 23, 2002  
Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **State Police Retirement System - Disability Retirements**

3 FOR the purpose of establishing procedures for granting special disability retirement  
4 allowances to certain former members of the State Police Retirement System;  
5 and generally relating to disability retirement allowances for former members of  
6 the State Police Retirement System.

7 BY repealing and reenacting, with amendments,  
8 Article - State Personnel and Pensions  
9 Section 29-111  
10 Annotated Code of Maryland  
11 (1997 Replacement Volume and 2001 Supplement)

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

14 **Article - State Personnel and Pensions**

15 29-111.

16 (a) This section applies to the State Police Retirement System.

17 (b) (1) The Board of Trustees shall grant a special disability retirement  
18 allowance to a member if:

19 [(1)] (I) the member is totally and permanently incapacitated for duty  
20 arising out of or in the course of the actual performance of duty without willful  
21 negligence by the member; and

22 [(2)] (II) the medical board certifies that:

23 [(i)] 1. the member is totally incapacitated, either mentally or  
24 physically, for the further performance of duty;

25 [(ii)] 2. the incapacity is likely to be permanent; and

1 [(iii)] 3. the member should be retired.

2 (2) THE BOARD OF TRUSTEES SHALL GRANT A SPECIAL DISABILITY  
3 RETIREMENT ALLOWANCE TO A FORMER MEMBER IF:

4 (I) THE MEMBER WAS TERMINATED AS UNFIT FOR DUTY ON OR  
5 AFTER AUGUST 1, 1990;

6 (II) THE SECRETARY OF THE STATE POLICE COMPLETED AN  
7 APPLICATION FOR A SPECIAL DISABILITY ON BEHALF OF THE MEMBER UNDER §  
8 29-103 OF THIS SUBTITLE OR ARTICLE 88B, § 15(B)(16) OF THE CODE, ON OR BEFORE  
9 MAY 1, 1993;

10 (III) THE BOARD OF TRUSTEES DENIED THE MEMBER A SPECIAL  
11 DISABILITY RETIREMENT ALLOWANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION,  
12 ON OR BEFORE SEPTEMBER 1, 1995; AND

13 (IV) THE MEMBER WITHDREW THE MEMBER'S ACCUMULATED  
14 CONTRIBUTIONS IN THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE  
15 NOVEMBER 1, 1996.

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

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

19 (2) the sum of:

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

22 (ii) a pension equal to two-thirds of the member's average final  
23 compensation.

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

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

27 (i) a normal service retirement allowance; or

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

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