

HOUSE BILL 188

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HB 604/03 - APP

2004 Regular Session  
4r1167

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By: **Delegates Hubbard and G. Clagett**  
Introduced and read first time: January 21, 2004  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Correctional Officers' Retirement System - Membership - Division of Parole**  
3                                   **and Probation**

4 FOR the purpose of providing agents who are employed by the Division of Parole and  
5 Probation of the Department of Public Safety and Correctional Services with  
6 membership in the Correctional Officers' Retirement System; requiring the  
7 Board of Trustees of the State Retirement and Pension System to transfer  
8 certain contributions to certain funds of the Correctional Officers' Retirement  
9 System; requiring agents who are employed by the Division of Parole and  
10 Probation of the Department of Public Safety and Correctional Services to have  
11 a certain number of years of eligibility service or be a certain age to receive a  
12 normal service retirement allowance from the Correctional Officers' Retirement  
13 System; providing certain retirees of the Correctional Officers' Retirement  
14 System who were agents employed by the Division of Parole and Probation of  
15 the Department of Public Safety and Correctional Services with a certain  
16 cost-of-living adjustment; providing that certain transfers between the  
17 employees' systems and the Correctional Officers' Retirement System do not  
18 apply to Title 37 of the State Personnel and Pensions Article; and generally  
19 relating to transferring agents who are employed by the Division of Parole and  
20 Probation of the Department of Public Safety and Correctional Services into the  
21 Correctional Officers' Retirement System.

22 BY repealing and reenacting, with amendments,  
23 Article - State Personnel and Pensions  
24 Section 25-201, 25-202, 25-401, 29-404, 29-410, and 37-201  
25 Annotated Code of Maryland  
26 (1997 Replacement Volume and 2003 Supplement)

27 BY adding to  
28 Article - State Personnel and Pensions  
29 Section 25-206  
30 Annotated Code of Maryland  
31 (1997 Replacement Volume and 2003 Supplement)

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

3 **Article - State Personnel and Pensions**

4 25-201.

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

7 (1) correctional officers serving in any of the first six job classifications;  
8 [and]

9 (2) security attendants at Clifton T. Perkins Hospital Center; AND

10 (3) AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE  
11 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12 (b) This subtitle does not apply to an employee of the Baltimore City Jail as of  
13 June 30, 1991, who:

14 (1) became an employee of the Baltimore City Detention Center on July  
15 1, 1991; and

16 (2) who did not elect to become a member of the Correctional Officers'  
17 Retirement System on that date.

18 25-202.

19 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
20 individual described in § 25-201(a) of this subtitle is a member of the Correctional  
21 Officers' Retirement System as a condition of employment.

22 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MEMBERSHIP IN  
23 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IS OPTIONAL FOR AN  
24 INDIVIDUAL DESCRIBED IN § 25-201 OF THIS SUBTITLE WHO WAS EMPLOYED BY THE  
25 DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND  
26 CORRECTIONAL SERVICES ON JUNE 30, 2004, AND WHO ELECTS MEMBERSHIP ON OR  
27 BEFORE DECEMBER 31, 2004.

28 (2) TO ELECT TO BE A MEMBER OF THE CORRECTIONAL OFFICERS'  
29 RETIREMENT SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH  
30 THE STATE RETIREMENT AGENCY.

31 (3) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP DURING THE  
32 APPLICABLE PERIOD SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
33 INDIVIDUAL MAY NOT BECOME A MEMBER OF THE CORRECTIONAL OFFICERS'  
34 RETIREMENT SYSTEM.

1 25-206.

2 (A) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE FROM  
3 THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM AS  
4 AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF  
5 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL  
6 TRANSFER TO THE ACCUMULATION FUND OF THE CORRECTIONAL OFFICERS'  
7 RETIREMENT SYSTEM THE EMPLOYER CONTRIBUTIONS THAT WERE MADE TO THE  
8 EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM ON  
9 BEHALF OF THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON  
10 THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

11 (B) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE FROM  
12 THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT SYSTEM AS  
13 AGENTS OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF  
14 PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL  
15 TRANSFER TO THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS'  
16 RETIREMENT SYSTEM THE EMPLOYEE CONTRIBUTIONS THAT WERE MADE TO THE  
17 EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM BY  
18 THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON THOSE  
19 CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.

20 25-401.

21 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
22 A member may retire with a normal service retirement allowance if:

23 [(1)] (I) on or before the date of retirement, the member has at least 20  
24 years of eligibility service;

25 [(2)] (II) for at least 5 years immediately before retirement, the member  
26 was a security attendant at Clifton T. Perkins Hospital Center, a correctional officer  
27 in any of the first six job classifications, or in a combination of these positions; and

28 [(3)] (III) the member completes and submits a written application to the  
29 Board of Trustees stating the date when the member desires to retire.

30 (2) A MEMBER WHO IS AN AGENT OF THE DIVISION OF PAROLE AND  
31 PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
32 SERVICES MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:

33 (I) 1. ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER  
34 HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

35 2. IS AT LEAST 55 YEARS OLD; AND

36 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN  
37 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER  
38 DESIRES TO RETIRE.

1 (b) On retirement under this section, a member is entitled to receive a normal  
2 service retirement allowance that equals one fifty-fifth of the member's average final  
3 compensation multiplied by the number of years of creditable service.

4 29-404.

5 (a) Except as provided in subsection (b) of this section, this Part II of this  
6 subtitle applies only to an allowance received by a former member, retiree, or  
7 surviving beneficiary of a deceased member, former member, or retiree of:

8 (1) the Employees' Pension System if the deceased member, former  
9 member, or retiree was an employee of a participating governmental unit or a former  
10 participating governmental unit, other than Frederick County, that has withdrawn  
11 while a member; [or]

12 (2) the Local Fire and Police System; OR

13 (3) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM, IF THE  
14 DECEASED MEMBER, FORMER MEMBER, OR RETIREE WAS AN AGENT OF THE  
15 DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND  
16 CORRECTIONAL SERVICES.

17 (b) This Part II of this subtitle does not apply to an allowance that is subject to  
18 adjustment under Part II, Part IV, Part V, or Part VI of this subtitle.

19 29-410.

20 (a) This Part III applies only to an allowance received by:

21 (1) a former member, retiree, or surviving spouse of a member:

22 (i) of the Correctional Officers' Retirement System WHO WAS NOT  
23 AN AGENT OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF  
24 PUBLIC SAFETY AND CORRECTIONAL SERVICES;

25 (ii) of the Employees' Retirement System or the Teachers'  
26 Retirement System who elected Selection A (Additional member contributions);

27 (iii) of the State Police Retirement System;

28 (iv) who transferred to the Local Fire and Police System from the  
29 Employees' Retirement System; or

30 (v) who transferred to the Law Enforcement Officers' Pension  
31 System from the Employees' Retirement System and had elected Selection A  
32 (Additional member contributions); or

33 (2) a surviving beneficiary of a deceased former member or retiree  
34 described in item (1) of this subsection.

35 (b) This Part III does not apply to:

- 1 (1) benefits paid in a single payment;
- 2 (2) the return of accumulated contributions; or
- 3 (3) benefits attributable to additional contributions.

4 37-201.

5 (a) Subject to subsection (b) of this section, this title applies to transfers from  
6 a State or local retirement or pension system to another State or local retirement or  
7 pension system only if:

- 8 (1) each system is operated on an actuarial basis; and
- 9 (2) under each system contributions that are computed to be sufficient to  
10 provide the reserves needed to cover the benefits payable on account of the system's  
11 members are made during the employment of members.

12 (b) This title does not apply to:

- 13 (1) a transfer to the Judges' Retirement System of the State of Maryland;
- 14 (2) a transfer to or from the Legislative Pension Plan of the State of  
15 Maryland except to the extent provided by the Joint Resolution submitted to the  
16 General Assembly by the General Assembly Compensation Commission under Article  
17 III, § 15 of the Maryland Constitution;
- 18 (3) a transfer from the Employees' Retirement System of the State of  
19 Maryland to the Employees' Pension System of the State of Maryland under § 22-212  
20 or § 22-213 of this article;
- 21 (4) a transfer from the Teachers' Retirement System of the State of  
22 Maryland to the Teachers' Pension System of the State of Maryland under § 22-212 or  
23 § 22-213 of this article;
- 24 (5) a transfer between the Employees' Retirement System of the State of  
25 Maryland and the Teachers' Retirement System of the State of Maryland;
- 26 (6) a transfer between the Employees' Pension System of the State of  
27 Maryland and the Teachers' Pension System of the State of Maryland if the member  
28 is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of  
29 this article in the previous and current system; [or]
- 30 (7) a transfer between the Employees' Pension System of the State of  
31 Maryland and the Teachers' Pension System of the State of Maryland if the member  
32 is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this  
33 article in the previous and current system;
- 34 (8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT SYSTEM AND  
35 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT

1 OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC  
2 SAFETY AND CORRECTIONAL SERVICES; OR

3 (9) A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM AND THE  
4 CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT OF  
5 THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY  
6 AND CORRECTIONAL SERVICES.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2004.