
By: **Chairman, Judiciary Committee (By Request - Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services - Division of Police**
3 **Services**

4 FOR the purpose of establishing a Division of Police Services within the Department
5 of Public Safety and Correctional Services; providing for the rights, powers,
6 duties, and benefits of officers of the Division of Police Services; reclassifying the
7 investigators of the Internal Investigative Unit to the Division of Police
8 Services; clarifying and altering provisions relating to pensions of certain
9 members of the Division of Police Services; making conforming changes; and
10 generally relating to the Division of Police Services.

11 BY repealing

12 Article - Correctional Services
13 Section 10-701 and the subtitle "Subtitle 7. Internal Investigative Unit"
14 Annotated Code of Maryland
15 (1999 Volume and 2003 Supplement)

16 BY adding to

17 Article - Correctional Services
18 Section 10-701 through 10-704 to be under the new subtitle "Subtitle 7.
19 Division of Police Services"
20 Annotated Code of Maryland
21 (1999 Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Criminal Procedure
24 Section 2-101(c)(18)
25 Annotated Code of Maryland
26 (2001 Volume and 2003 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Public Safety

1 Section 3-101(e)(1) and 3-201(e)(1) and (2)
2 Annotated Code of Maryland
3 (2003 Volume)

4 BY repealing and reenacting, with amendments,
5 Article - State Personnel and Pensions
6 Section 26-201(a), 26-202, 26-203.1, and 37-201
7 Annotated Code of Maryland
8 (1997 Replacement Volume and 2003 Supplement)

9 BY adding to
10 Article - State Personnel and Pensions
11 Section 26-203.2
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2003 Supplement)

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

16 **Article - Correctional Services**

17 [Subtitle 7. Internal Investigative Unit.]

18 [10-701.

19 (a) (1) There is an Internal Investigative Unit in the Department.

20 (2) The Secretary shall appoint the Director of the Internal Investigative
21 Unit.

22 (3) Subject to the authority of the Secretary, the Internal Investigative
23 Unit shall:

24 (i) investigate:

25 1. alleged criminal violations committed by employees of the
26 Department while on duty;

27 2. alleged criminal violations committed by inmates, visitors,
28 and other individuals that affect the safety or security of the Department's facilities
29 or programs; and

30 3. alleged professional misconduct by employees of the
31 Department; and

32 (ii) adopt regulations for the conduct of its investigations.

1 (b) An investigator in the Internal Investigative Unit may exercise the powers
2 of a peace or police officer in the State on property that is owned, leased, operated by,
3 or under the control of the Department.

4 (c) (1) An investigator in the Internal Investigative Unit may exercise the
5 powers of a peace or police officer in the State on property that is not owned, leased,
6 operated by, or under the control of the Department when:

7 (i) engaged in fresh pursuit of a suspected offender;

8 (ii) requested or authorized to do so by the chief executive officer or
9 chief police officer of a county;

10 (iii) necessary to facilitate the orderly flow of traffic to and from
11 property owned, leased, operated by, or under the control of the Department;

12 (iv) necessary to investigate and protect property that is owned,
13 leased, operated by, or under the control of the Department;

14 (v) engaged in an active and official investigation of the conduct of
15 an employee of the Department when the employee's alleged conduct will compromise
16 the safety or security of the Department's facilities or programs;

17 (vi) engaged in an active and official investigation of an inmate in
18 the custody of the Commissioner of Correction or the Commissioner of Pretrial
19 Detention and Services, an inmate subject to the jurisdiction of the Patuxent
20 Institution, or an individual sentenced to probation or released on parole or
21 mandatory supervision; or

22 (vii) ordered to do so by the Governor.

23 (2) When acting under the authority granted in this subsection in
24 connection with an investigation or enforcement action, the Internal Investigative
25 Unit shall notify the following persons:

26 (i) when in an incorporated municipality, the chief of police, if any,
27 or the chief's designee;

28 (ii) when in a county that has a county police department, the chief
29 of police or the chief's designee;

30 (iii) when in a county without a police department, the sheriff or the
31 sheriff's designee;

32 (iv) when in Baltimore City, the Police Commissioner or the Police
33 Commissioner's designee;

34 (v) when on any property owned, leased, operated by, or under the
35 control of the Department of Natural Resources, the Secretary of Natural Resources
36 or the Secretary's designee;

1 (vi) when on any property owned, leased, operated by, or under the
2 control of the Maryland Transportation Authority, the Maryland Aviation
3 Administration, or the Maryland Port Administration, the respective chief of police or
4 the chief's designee; and

5 (vii) unless there is an agreement otherwise with the Department of
6 State Police, the Department of State Police Barrack Commander or designee.

7 (3) The notification required under paragraph (2) of this subsection shall
8 be made:

9 (i) in advance, if practicable; or

10 (ii) if advance notification is not practicable, as soon as possible
11 after the exercise of the powers.

12 (4) When acting under the authority granted in this subsection, a
13 member of the Internal Investigative Unit shall have all the immunities from liability
14 and exemptions as that of a State police officer in addition to any other immunities
15 and exemptions to which the member may otherwise be entitled.

16 (5) A member of the Internal Investigative Unit who uses the authority
17 granted in this subsection shall at all times and for all purposes remain an employee
18 of the Internal Investigative Unit.

19 (d) An individual who is employed as an investigator in the Internal
20 Investigative Unit shall meet the minimum qualifications required and satisfactorily
21 complete the training prescribed by the Maryland Police Training Commission.]

22 SUBTITLE 7. DIVISION OF POLICE SERVICES.

23 10-701.

24 THERE IS A DIVISION OF POLICE SERVICES IN THE DEPARTMENT.

25 10-702.

26 THE SECRETARY SHALL APPOINT THE DIRECTOR OF THE DIVISION OF POLICE
27 SERVICES.

28 10-703.

29 (A) SUBJECT TO THE AUTHORITY OF THE SECRETARY, A POLICE OFFICER IN
30 THE DIVISION MAY EXERCISE THE POWERS OF A POLICE OFFICER OR A PEACE
31 OFFICER IN THE STATE.

32 (B) SUBJECT TO THE AUTHORITY OF THE SECRETARY, THE DIVISION OF
33 POLICE SERVICES SHALL INVESTIGATE:

1 (1) ALLEGED CRIMINAL VIOLATIONS COMMITTED BY EMPLOYEES OF
2 THE DEPARTMENT WHILE ON DUTY;

3 (2) ALLEGED CRIMINAL VIOLATIONS COMMITTED BY INMATES,
4 VISITORS, AND OTHER INDIVIDUALS THAT AFFECT THE SAFETY OR SECURITY OF THE
5 DEPARTMENT'S FACILITIES OR PROGRAMS; AND

6 (3) ALLEGED PROFESSIONAL MISCONDUCT BY EMPLOYEES OF THE
7 DEPARTMENT.

8 (C) A POLICE OFFICER IN THE DIVISION MAY EXERCISE THE POWERS
9 DESCRIBED IN SUBSECTION (A) OF THIS SECTION ON THE PROPERTY THAT IS
10 OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT.

11 (D) (1) A POLICE OFFICER IN THE DIVISION OF POLICE SERVICES MAY
12 EXERCISE THE POWERS OF A PEACE OR POLICE OFFICER IN THE STATE ON
13 PROPERTY THAT IS NOT OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL
14 OF THE DEPARTMENT WHEN:

15 (I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

16 (II) REQUESTED OR AUTHORIZED TO DO SO BY THE CHIEF
17 EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF A COUNTY OR MUNICIPALITY;

18 (III) NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC
19 TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL
20 OF THE DEPARTMENT;

21 (IV) NECESSARY TO INVESTIGATE AND PROTECT PROPERTY THAT IS
22 OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT;

23 (V) ENGAGED IN AN ACTIVE AND OFFICIAL INVESTIGATION OF THE
24 CONDUCT OF AN EMPLOYEE OF THE DEPARTMENT WHEN THE EMPLOYEE'S ALLEGED
25 CONDUCT WILL COMPROMISE THE SAFETY OR SECURITY OF THE DEPARTMENT'S
26 FACILITIES OR PROGRAMS;

27 (VI) ENGAGED IN AN ACTIVE AND OFFICIAL INVESTIGATION OF AN
28 INMATE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTION OR THE
29 COMMISSIONER OF PRETRIAL DETENTION AND SERVICES, AN INMATE SUBJECT TO
30 THE JURISDICTION OF THE PATUXENT INSTITUTION, OR AN INDIVIDUAL SENTENCED
31 TO PROBATION OR RELEASED ON PAROLE OR MANDATORY SUPERVISION; OR

32 (VII) ORDERED TO DO SO BY THE GOVERNOR.

33 (2) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS
34 SUBSECTION IN CONNECTION WITH AN INVESTIGATION OR ENFORCEMENT ACTION,
35 THE DIVISION OF POLICE SERVICES SHALL NOTIFY THE FOLLOWING PERSONS:

36 (I) WHEN IN AN INCORPORATED MUNICIPALITY, THE CHIEF OF
37 POLICE, IF ANY, OR THE CHIEF'S DESIGNEE;

1 (II) WHEN IN A COUNTY THAT HAS A COUNTY POLICE
2 DEPARTMENT, THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;

3 (III) WHEN IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE
4 SHERIFF OR THE SHERIFF'S DESIGNEE;

5 (IV) WHEN IN BALTIMORE CITY, THE POLICE COMMISSIONER OR
6 THE POLICE COMMISSIONER'S DESIGNEE;

7 (V) WHEN ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR
8 UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES, THE
9 SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE;

10 (VI) WHEN ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR
11 UNDER THE CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE
12 MARYLAND AVIATION ADMINISTRATION, OR THE MARYLAND PORT ADMINISTRATION,
13 THE RESPECTIVE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE; AND

14 (VII) UNLESS THERE IS AN AGREEMENT OTHERWISE WITH THE
15 DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF STATE POLICE BARRACK
16 COMMANDER OR DESIGNEE.

17 (3) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS
18 SUBSECTION SHALL BE MADE:

19 (I) IN ADVANCE, IF PRACTICABLE; OR

20 (II) IF ADVANCE NOTIFICATION IS NOT PRACTICABLE, AS SOON AS
21 POSSIBLE AFTER THE EXERCISE OF THE POWERS.

22 10-704.

23 (A) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND
24 THE MARYLAND POLICE TRAINING COMMISSION, THE SECRETARY SHALL ADOPT
25 STANDARDS, QUALIFICATIONS, AND PREREQUISITES FOR TRAINING AND
26 EDUCATION FOR THE DIVISION OF POLICE SERVICES, INCLUDING STANDARDS FOR
27 THE PERFORMANCE OF THEIR DUTIES.

28 (2) TO THE EXTENT PRACTICABLE, THE SECRETARY SHALL ADOPT
29 STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE
30 DEPARTMENT OF STATE POLICE.

31 (3) STANDARDS ADOPTED ON OR AFTER OCTOBER 1, 2004, ON MINIMUM
32 HIRING QUALIFICATIONS OF THE DIVISION OF POLICE SERVICES MAY NOT AFFECT
33 THE STATUS OF ANY INDIVIDUAL WHO WAS AN INVESTIGATOR FOR THE
34 DEPARTMENT'S INTERNAL INVESTIGATIVE UNIT ON THAT DATE.

35 (4) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SUBTITLE,
36 A MEMBER OF THE DIVISION OF POLICE SERVICES SHALL HAVE ALL THE
37 IMMUNITIES FROM LIABILITY AND EXEMPTIONS AS THAT OF A STATE POLICE

1 OFFICER IN ADDITION TO ANY OTHER IMMUNITIES AND EXEMPTIONS TO WHICH THE
2 MEMBER MAY OTHERWISE BE ENTITLED.

3

Article - Criminal Procedure

4 2-101.

5 (c) "Police officer" means a person who in an official capacity is authorized by
6 law to make arrests and is:

7 (18) a member of the [Internal Investigative Unit of the Department]
8 DIVISION OF POLICE SERVICES OF THE DEPARTMENT;

9

Article - Public Safety

10 3-101.

11 (e) (1) "Law enforcement officer" means an individual who:

12 (i) in an official capacity is authorized by law to make arrests; and

13 (ii) is a member of one of the following law enforcement agencies:

14 1. the Department of State Police;

15 2. the Police Department of Baltimore City;

16 3. the Baltimore City School Police Force;

17 4. the Baltimore City Watershed Police Force;

18 5. the police department, bureau, or force of a county;

19 6. the police department, bureau, or force of a municipal
20 corporation;

21 7. the office of the sheriff of a county;

22 8. the police department, bureau, or force of a bicounty
23 agency;

24 9. the Maryland Transportation Authority Police;

25 10. the police forces of the Department of Transportation;

26 11. the police forces of the Department of Natural Resources;

27 12. the Field Enforcement Division of the Comptroller's
28 Office;

29 13. the Housing Authority of Baltimore City Police Force;

- 1 14. the Crofton Police Department;
- 2 15. the police force of the Department of Health and Mental
- 3 Hygiene;
- 4 16. the police force of the Department of General Services;
- 5 17. the police force of the Department of Labor, Licensing, and
- 6 Regulation;
- 7 18. the police forces of the University System of Maryland;
- 8 19. the police force of Morgan State University; [or]
- 9 20. the office of State Fire Marshal; OR
- 10 21. THE DIVISION OF POLICE SERVICES OF THE DEPARTMENT
- 11 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12 3-201.

- 13 (e) (1) "Police officer" means an individual who:
- 14 (i) is authorized to enforce the general criminal laws of the State;
- 15 and
- 16 (ii) is a member of one of the following law enforcement agencies:
- 17 1. the Department of State Police;
- 18 2. the Police Department of Baltimore City;
- 19 3. the police department, bureau, or force of a county;
- 20 4. the police department, bureau, or force of a municipal
- 21 corporation;
- 22 5. the Maryland Transit Administration police force;
- 23 6. the Maryland Transportation Authority Police;
- 24 7. the police forces of the University System of Maryland;
- 25 8. the police force of Morgan State University;
- 26 9. the office of the sheriff of a county;
- 27 10. the police forces of the Department of Natural Resources;
- 28 11. the police force of the Department of General Services;

1 12. the police force of a State, county, or municipal corporation
2 if the special police officers are appointed under Subtitle 3 of this title;

3 13. the Housing Authority of Baltimore City Police Force;

4 14. the Baltimore City School Police Force;

5 15. the Crofton Police Department;

6 16. the police force of the Department of Labor, Licensing, and
7 Regulation; [or]

8 17. the Washington Suburban Sanitary Commission Police
9 Force; OR

10 18. THE DIVISION OF POLICE SERVICES OF THE DEPARTMENT
11 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12 (2) "Police officer" includes:

13 (i) a member of the Field Enforcement Division of the
14 Comptroller's Office; AND

15 (ii) the State Fire Marshal or a deputy State fire marshal; and

16 (iii) an investigator of the Internal Investigative Unit of the
17 Department].

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;

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

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

- 1 (4) a deputy sheriff employed by the Baltimore City Sheriff's
2 Department;
- 3 (5) a member of the University of Maryland Police Force who has the
4 powers granted to a police officer under § 13-601 of the Education Article;
- 5 (6) a law enforcement officer employed by a participating governmental
6 unit that on or after July 1, 1999 has elected to participate in the Law Enforcement
7 Officers' Pension System;
- 8 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 9 (8) a member of the Morgan State University Police Force who has the
10 powers granted to a police officer under § 14-106 of the Education Article;
- 11 (9) a member of the BWI Airport Fire & Rescue Department;
- 12 (10) a member of the Department of General Services Police Force who
13 has the powers granted to a police officer under § 4-605 of the State Finance and
14 Procurement Article;
- 15 (11) an employee of the Department of Health and Mental Hygiene
16 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
17 Hygiene police officer;
- 18 (12) an employee of the Motor Vehicle Administration commissioned by
19 the Secretary of the Department of Transportation as a Motor Vehicle Administration
20 police officer;
- 21 (13) an employee of the Department of Labor, Licensing, and Regulation
22 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
23 Licensing, and Regulation police officer;
- 24 (14) a firefighter for the Martin State Airport employed by the Military
25 Department; [or]
- 26 (15) a police officer employed by the Division of Rehabilitation Services in
27 the Department of Education, certified in accordance with the Maryland Police and
28 Correctional Training Commissions; OR
- 29 (16) A MEMBER OF THE MARYLAND DEPARTMENT OF PUBLIC SAFETY
30 AND CORRECTIONAL SERVICES DIVISION OF POLICE SERVICES.

31 26-202.

32 (a) Except as provided in subsection (b) of this section, an individual described
33 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
34 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, 2002;
- 6 (ii) who was employed by the Field Enforcement Division on June
7 30, 1995 and who elects membership on or before December 31, 2002;
- 8 (iii) who was employed by the Maryland Transportation Authority
9 on June 30, 1997 and who elects membership on or before December 31, 2002;
- 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, 2002;
- 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, 2002;
- 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, 2002;
- 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, 2002;
- 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, 2002;
- 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 31,
28 2002;
- 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 31, 2002;
- 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, 2002; [or]
- 36 (xiii) who was employed on June 30, 2002, by the Division of
37 Rehabilitation Services in the Department of Education as a police officer certified in

1 accordance with the Maryland Police and Correctional Training Commissions, and
2 who elects membership on or before December 31, 2002; OR

3 (XIV) WHO WAS A MEMBER OF THE MARYLAND DEPARTMENT OF
4 PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT
5 WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE
6 CORRECTIONAL SERVICES ARTICLE ON SEPTEMBER 30, 2004, AND WHO ELECTS
7 MEMBERSHIP ON OR BEFORE DECEMBER 31, 2004.

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

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

14 26-203.1.

15 (a) For members who transfer from the Employees' Pension System or the
16 Employees' Retirement System, the Board of Trustees shall transfer to the
17 accumulation fund of the Law Enforcement Officers' Pension System the employer
18 contributions that were made to the Employees' Retirement System and the
19 Employees' Pension System on behalf of those members who transferred, plus the
20 interest earned on those contributions through the date of transfer.

21 (b) For those full-time employees of the BWI Airport Fire & Rescue
22 Department who were employed on or after October 1, 1993 and who elect
23 membership in the Law Enforcement Officers' Pension System on or before December
24 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law
25 Enforcement Officers' Pension System the employer contributions made to the
26 Employees' Retirement System and the Employees' Pension System on behalf of those
27 transferring members, plus the interest earned on those contributions through the
28 date of transfer.

29 (c) (1) For members who transfer from a local pension system, the local
30 pension system shall transfer to the Board of Trustees the employer contributions
31 that were made to the local pension system on behalf of those members who
32 transferred, plus the interest earned on those contributions through the date of
33 transfer.

34 (2) The Board of Trustees shall deposit any funds transferred under
35 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement
36 Officers' Pension System.

37 (D) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF
38 PUBLIC SAFETY AND CORRECTIONAL SERVICES DIVISION OF POLICE SERVICES WHO
39 TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR BEFORE
40 DECEMBER 31, 2004.

1 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION
2 FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER
3 CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON
4 BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS
5 THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF
6 TRANSFER.

7 26-203.2.

8 (A) THIS SECTION APPLIES TO A MEMBER OF THE DEPARTMENT OF PUBLIC
9 SAFETY AND CORRECTIONAL SERVICES DIVISION OF POLICE SERVICES WHO
10 TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON OR
11 BEFORE DECEMBER 31, 2004.

12 (B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW
13 ENFORCEMENT OFFICERS' PENSION SYSTEM CONTRIBUTIONS AT THE RATE OF 4% OF
14 THE INDIVIDUAL'S EARNABLE COMPENSATION AFTER JULY 1, 2000, INCLUDING
15 REGULAR INTEREST ON THE CONTRIBUTIONS AT THE RATE OF 5% PER YEAR
16 COMPOUNDED ANNUALLY.

17 37-201.

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

21 (1) each system is operated on an actuarial basis; and

22 (2) under each system contributions that are computed to be sufficient to
23 provide the reserves needed to cover the benefits payable on account of the system's
24 members are made during the employment of members.

25 (b) This title does not apply to:

26 (1) a transfer to the Judges' Retirement System of the State of Maryland;

27 (2) a transfer to or from the Legislative Pension Plan of the State of
28 Maryland except to the extent provided by the Joint Resolution submitted to the
29 General Assembly by the General Assembly Compensation Commission under Article
30 III, § 15 of the Maryland Constitution;

31 (3) a transfer from the Employees' Retirement System of the State of
32 Maryland to the Employees' Pension System of the State of Maryland under § 22-212
33 or § 22-213 of this article;

34 (4) a transfer from the Teachers' Retirement System of the State of
35 Maryland to the Teachers' Pension System of the State of Maryland under § 22-212 or
36 § 22-213 of this article;

1 (5) a transfer between the Employees' Retirement System of the State of
2 Maryland and the Teachers' Retirement System of the State of Maryland;

3 (6) a transfer between the Employees' Pension System of the State of
4 Maryland and the Teachers' Pension System of the State of Maryland if the member
5 is not subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of
6 this article in the previous and current system; [or]

7 (7) a transfer between the Employees' Pension System of the State of
8 Maryland and the Teachers' Pension System of the State of Maryland if the member
9 is subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this
10 article in the previous and current system; OR

11 (8) A TRANSFER FROM THE CORRECTIONAL OFFICERS' RETIREMENT
12 SYSTEM TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER § 26-203.2
13 OF THIS ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That a member of the Internal
15 Investigative Unit of the Department of Public Safety and Correctional Services on
16 September 30, 2004, shall be a member of the Division of Police Services of the
17 Department of Public Safety and Correctional Services on the effective date of this
18 Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That a member of the Internal
20 Investigative Unit of the Department of Public Safety and Correctional Services on
21 September 30, 2004, who becomes a member of the Division of Police Services of the
22 Department of Public Safety and Correctional Services may elect to join the Law
23 Enforcement Officers' Pension System under the provision of Title 26 of the State
24 Personnel and Pensions Article of the Annotated Code of Maryland.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2004.