
By: **Delegate Goodwin**

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CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Participation - Baltimore City**
 3 **Sheriff**

4 FOR the purpose of providing that certain individuals serving as the Baltimore City
 5 Sheriff may elect to participate in the Employees' Pension System; providing
 6 that certain individuals serving as the Baltimore City Sheriff who do not elect
 7 membership in the Employees' Pension System within a certain period of time
 8 are required to join the Law Enforcement Officers' Pension System; providing
 9 that certain individuals serving as the Baltimore City Sheriff on a certain date
 10 may elect membership in the Law Enforcement Officers' Pension System;
 11 requiring that certain individuals serving as the Baltimore City Sheriff who
 12 elect membership in the Law Enforcement Officers' Pension System submit
 13 certain documents by a certain date to the State Retirement Agency; and
 14 generally relating to the Baltimore City Sheriff participating in the Law
 15 Enforcement Officers' Pension System.

16 BY repealing and reenacting, without amendments,
 17 Article - State Personnel and Pensions
 18 Section 23-201(a)(2)
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,
 22 Article - State Personnel and Pensions
 23 Section 23-204 and 26-201(a)
 24 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

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

4 **Article - State Personnel and Pensions**

5 23-201.

6 (a) Except as provided in subsection (b) of this section, §§ 23-203 through
7 23-205 of this subtitle apply only to:

8 (2) an appointed or elected official of the State, including:

9 (i) a clerk of the circuit court;

10 (ii) a register of wills;

11 (iii) a State's Attorney; and

12 (iv) a sheriff;

13 23-204.

14 (a) (1) This [section] SUBSECTION applies to an individual who on June 30,
15 2004, receives an annual salary and who is:

16 (i) an elected or appointed official;

17 (ii) an employee of the Governor's office;

18 (iii) an employee of the Senate or House of Delegates;

19 (iv) a member of the Prince George's County Board of License
20 Commissioners; or

21 (v) an employee of Dorchester County who is not a member of the
22 county's general pension and retirement program.

23 (2) Membership in the Employees' Pension System is optional for an
24 individual under paragraph (1) of this subsection while the individual remains
25 employed in the position the individual held on June 30, 2004.

26 (b) (1) (i) Except as provided in paragraph (2) of this subsection, this
27 subsection applies only to the employees of a participating governmental unit who:

28 1. are employed by the participating governmental unit on
29 June 30, 2004; and

30 2. were employed by the participating governmental unit on
31 the effective date of participation in the State systems.

1 (ii) Except as provided in paragraph (2) of this subsection,
 2 membership in the Employees' Pension System is optional for an individual under
 3 subparagraph (i) of this paragraph until the individual ceases employment with the
 4 participating governmental unit that was employing the individual on June 30, 2004.

5 (2) Membership in the Employees' Pension System is not optional for
 6 individuals who are:

7 (i) supportive service employees of the Board of Education of Kent
 8 County; or

9 (ii) employees of the Town of Oakland.

10 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MEMBERSHIP IN
 11 THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL DESCRIBED IN
 12 § 23-201(A)(2)(IV) OF THIS SUBTITLE WHO IS ELECTED OR APPOINTED AS THE
 13 BALTIMORE CITY SHERIFF.

14 (2) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE
 15 BALTIMORE CITY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES'
 16 PENSION SYSTEM IS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION
 17 SYSTEM UNDER TITLE 26 OF THIS ARTICLE AS A CONDITION OF EMPLOYMENT.

18 (3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM
 19 UNDER THIS SUBSECTION, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION
 20 WITH THE STATE RETIREMENT AGENCY.

21 (4) AN INDIVIDUAL WHO DOES NOT ELECT MEMBERSHIP WITHIN 6
 22 MONTHS OF THE DATE THE INDIVIDUAL BEGINS SERVING AS THE BALTIMORE CITY
 23 SHERIFF SHALL BECOME A MEMBER OF THE LAW ENFORCEMENT OFFICERS'
 24 PENSION SYSTEM.

25 26-201.

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

28 (1) an employee of the Department of Natural Resources commissioned
 29 by the Secretary of Natural Resources as:

30 (i) a Natural Resources police officer; or

31 (ii) a law enforcement officer, other than a Natural Resources police
 32 officer;

33 (2) a law enforcement officer employed by the Field Enforcement
 34 Bureau;

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

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

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

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

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

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

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

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

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

21 (12) an employee of the Motor Vehicle Administration commissioned by
22 the Secretary of Transportation as a Motor Vehicle Administration police officer;

23 (13) an employee of the Department of Labor, Licensing, and Regulation
24 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
25 Licensing, and Regulation police officer;

26 (14) a firefighter for the Martin State Airport employed by the Military
27 Department;

28 (15) a police officer employed by the Division of Rehabilitation Services in
29 the Department of Education, certified in accordance with the Maryland Police and
30 Correctional Training Commissions;

31 (16) a firefighter or paramedic employed by the Salisbury Fire
32 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
33 article;

34 (17) an aviator employed by the Department of State Police to operate an
35 aircraft for the State Emergency Medical System; [or]

1 (18) a member of the Maryland Transit Administration Police Force who
2 has the powers granted to a police officer under § 7-207 of the Transportation Article;
3 OR

4 (19) AN INDIVIDUAL WHO IS ELECTED OR APPOINTED AS THE
5 BALTIMORE CITY SHERIFF AND WHO DOES NOT ELECT TO JOIN THE EMPLOYEES'
6 PENSION SYSTEM UNDER TITLE 23 OF THIS ARTICLE WITHIN 6 MONTHS OF THE DATE
7 THE INDIVIDUAL BEGINS SERVING AS THE BALTIMORE CITY SHERIFF.

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) This section applies to any individual serving as the Baltimore City Sheriff
10 on the effective date of this Act and who is a member of the Employees' Pension
11 System.

12 (b) (1) An individual described under subsection (a) of this section may elect
13 to join the Law Enforcement Officers' Pension System.

14 (2) An individual who elects membership in the Law Enforcement
15 Officers' Pension System under this subsection shall file a written application with
16 the State Retirement Agency on or before December 31, 2006.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2006.