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

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System - Membership - Department of**
3 **Public Safety and Correctional Services - Internal Investigative Unit**
4 **Investigators**

5 FOR the purpose of authorizing certain members of the Department of Public Safety
6 and Correctional Services' Internal Investigative Unit to become members of the
7 Law Enforcement Officers' Pension System; requiring the Board of Trustees for
8 the State Retirement and Pension System to transfer certain funds to the Law
9 Enforcement Officers' Pension System Accumulation Fund; requiring certain
10 members of the Department of Public Safety and Correctional Services Internal
11 Investigative Unit to deposit certain amounts in the Annuity Savings Fund of
12 the Law Enforcement Officers' Pension System; and generally relating to the
13 Law Enforcement Officers' Pension System.

14 BY repealing and reenacting, with amendments,
15 Article - State Personnel and Pensions
16 Section 26-201(a) and 26-203.1
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Personnel and Pensions
21 Section 26-202
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2005 Supplement)
24 (As enacted by Chapter 486 of the Acts of the General Assembly of 2005)

25 BY adding to
26 Article - State Personnel and Pensions
27 Section 26-203.3
28 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 26-201.

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

8 (1) an employee of the Department of Natural Resources commissioned
9 by the Secretary of Natural Resources as:

10 (i) a Natural Resources police officer; or

11 (ii) a law enforcement officer, other than a Natural Resources police
12 officer;

13 (2) a law enforcement officer employed by the Field Enforcement
14 Bureau;

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

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

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

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

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

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

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

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

32 (11) an employee of the Department of Health and Mental Hygiene
33 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
34 Hygiene police officer;

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

3 (13) an employee of the Department of Labor, Licensing, and Regulation
4 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
5 Licensing, and Regulation police officer;

6 (14) a firefighter for the Martin State Airport employed by the Military
7 Department;

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

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

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

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

19 (19) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND
20 CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE POWERS
21 GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE CORRECTIONAL SERVICES
22 ARTICLE.

23 26-202.

24 (a) Except as provided in subsection (b) of this section, an individual described
25 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
26 System as a condition of employment.

27 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
28 Enforcement Officers' Pension System is optional for an individual described in §
29 26-201 of this subtitle:

30 (i) who was employed by the Department of Natural Resources on
31 July 1, 1990 and who elects membership on or before December 31, 2002;

32 (ii) who was employed by the Field Enforcement Division on June
33 30, 1995 and who elects membership on or before December 31, 2002;

34 (iii) who was employed by the Maryland Transportation Authority
35 on June 30, 1997 and who elects membership on or before December 31, 2002;

1 (iv) who was employed by the Baltimore City Sheriff's Department
2 on June 30, 1997 and who elects membership on or before December 31, 2002;

3 (v) who was employed by the University of Maryland Police Force
4 on June 30, 1999 and who elects membership on or before December 31, 2002;

5 (vi) who is employed by a participating governmental unit on the
6 effective date of participation on or after July 1, 1999 for that participating
7 governmental unit and who elects membership within 6 months of the effective date
8 of participation;

9 (vii) who was employed by the Maryland Port Administration Police
10 Force and was subsequently transferred to and employed by the Maryland
11 Transportation Authority Police Force on July 1, 1998 and who elects membership on
12 or before December 31, 2002;

13 (viii) who was employed by the office of the State Fire Marshal on
14 June 30, 1998 and who elects membership on or before December 31, 2002;

15 (ix) who was employed by the Morgan State University Police Force
16 on June 30, 1999 and who elects membership on or before December 31, 2002;

17 (x) who was employed by the BWI Airport Fire & Rescue
18 Department on June 30, 2000, and who elects membership on or before December 31,
19 2002;

20 (xi) who was employed by the Department of General Services,
21 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
22 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
23 who elects membership on or before December 31, 2002;

24 (xii) who was employed by the Military Department as a firefighter
25 at Martin State Airport on June 30, 2001, and who elects membership on or before
26 December 31, 2002;

27 (xiii) who was employed on June 30, 2002, by the Division of
28 Rehabilitation Services in the Department of Education as a police officer certified in
29 accordance with the Maryland Police and Correctional Training Commissions, and
30 who elects membership on or before December 31, 2002;

31 (xiv) who was employed on June 30, 2004, by the Salisbury Fire
32 Department as a firefighter or paramedic and who elects membership on or before
33 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; [or]

34 (xv) who was employed on June 30, 2005, by the Department of
35 State Police as an aviator operating an aircraft for the State Emergency Medical
36 System, and who elects membership on or before December 31, 2005; OR

37 (XVI) WHO WAS A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY
38 AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE

1 POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE CORRECTIONAL
2 SERVICES ARTICLE ON JUNE 30, 2006, AND WHO ELECTS MEMBERSHIP ON OR BEFORE
3 DECEMBER 31, 2006.

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

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

10 26-203.1.

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

17 (b) For those full-time employees of the BWI Airport Fire & Rescue
18 Department who were employed on or after October 1, 1993 and who elect
19 membership in the Law Enforcement Officers' Pension System on or before December
20 31, 2000, the Board of Trustees shall transfer to the accumulation fund of the Law
21 Enforcement Officers' Pension System the employer contributions made to the
22 Employees' Retirement System and the Employees' Pension System on behalf of those
23 transferring members, plus the interest earned on those contributions through the
24 date of transfer.

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

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

33 (d) (1) On or before January 1, 2006, for members who transfer from the
34 Maryland Transit Administration Pension System established under § 7-603 of the
35 Transportation Article, the Maryland Transit Administration shall transfer to the
36 Board of Trustees the employer contributions made to the pension system established
37 under § 7-603 of the Transportation Article on behalf of those members who transfer,
38 plus the interest earned on those contributions through July 1, 2005.

39 (2) The Board of Trustees shall deposit any funds transferred under
40 paragraph (1) of this subsection in the Accumulation Fund of the Law Enforcement
41 Officers' Pension System.

1 (E) (1) THIS SUBSECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF
2 PUBLIC SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT
3 WHO:

4 (I) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER §
5 10-701 OF THE CORRECTIONAL SERVICES ARTICLE; AND

6 (II) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION
7 SYSTEM ON OR BEFORE DECEMBER 31, 2006.

8 (2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE ACCUMULATION
9 FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM THE EMPLOYER
10 CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON
11 BEHALF OF THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS
12 THE INTEREST EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF
13 TRANSFER.

14 26-203.3.

15 (A) THIS SECTION APPLIES TO MEMBERS OF THE DEPARTMENT OF PUBLIC
16 SAFETY AND CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO:

17 (1) HAVE THE POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701
18 OF THE CORRECTIONAL SERVICES ARTICLE; AND

19 (2) TRANSFER TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM
20 ON OR BEFORE DECEMBER 31, 2006.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2006.