
By: **Senators Jimeno, DeGrange, and Kasemeyer**

Introduced and read first time: February 3, 2006

Assigned to: Budget and Taxation

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 to receive a normal service
12 retirement allowance from the Correctional Officers' Retirement System;
13 providing that certain provisions of law do not apply to certain transfers
14 between the employees' systems and the Correctional Officers' Retirement
15 System; and generally relating to transferring agents who are employed by the
16 Division of Parole and Probation of the Department of Public Safety and
17 Correctional Services into the Correctional Officers' Retirement System.

18 BY repealing and reenacting, with amendments,
19 Article - State Personnel and Pensions
20 Section 25-201, 25-202, 25-401, and 37-201
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2005 Supplement)

23 BY adding to
24 Article - State Personnel and Pensions
25 Section 25-206
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2005 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - State Personnel and Pensions
30 Section 29-410
31 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 25-201.

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

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

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

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

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

15 (1) became an employee of the Baltimore City Detention Center on July
16 1, 1991; and

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

19 25-202.

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

23 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, MEMBERSHIP IN
24 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IS OPTIONAL FOR AN
25 INDIVIDUAL DESCRIBED IN § 25-201 OF THIS SUBTITLE WHO WAS EMPLOYED BY THE
26 DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND
27 CORRECTIONAL SERVICES ON JUNE 30, 2006, AND WHO ELECTS MEMBERSHIP ON OR
28 BEFORE DECEMBER 31, 2006.

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

32 (3) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP DURING THE
33 APPLICABLE PERIOD SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
34 INDIVIDUAL MAY NOT BECOME A MEMBER OF THE CORRECTIONAL OFFICERS'
35 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
29 the 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) ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER HAS
34 AT LEAST 20 YEARS OF ELIGIBILITY SERVICE; AND

35 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN
36 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER
37 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 29-410.

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

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

7 (i) of the Correctional Officers' Retirement System;

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

10 (iii) of the State Police Retirement System;

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

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

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

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

19 (1) benefits paid in a single payment;

20 (2) the return of accumulated contributions; or

21 (3) benefits attributable to additional contributions.

22 37-201.

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

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

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

30 (b) This title does not apply to:

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

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

5 (3) a transfer from the Employees' Retirement System of the State of
6 Maryland to the Employees' Pension System of the State of Maryland on or before
7 December 31, 2004;

8 (4) a transfer from the Teachers' Retirement System of the State of
9 Maryland to the Teachers' Pension System of the State of Maryland on or before
10 December 31, 2004;

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

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

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

21 (8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT SYSTEM AND
22 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT
23 OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC
24 SAFETY AND CORRECTIONAL SERVICES; OR

25 (9) A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM AND THE
26 CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT OF
27 THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY
28 AND CORRECTIONAL SERVICES.

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