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By: **Senators Jimeno, DeGrange, and Kasemeyer**  
Introduced and read first time: February 3, 2006  
Assigned to: Budget and Taxation

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Committee Report: Favorable  
Senate action: Adopted  
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CHAPTER \_\_\_\_\_

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

1 Annotated Code of Maryland  
2 (2004 Replacement Volume and 2005 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article - State Personnel and Pensions  
5 Section 29-410  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2005 Supplement)

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

10 **Article - State Personnel and Pensions**

11 25-201.

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

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

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

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

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

21 (1) became an employee of the Baltimore City Detention Center on July  
22 1, 1991; and

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

25 25-202.

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

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

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

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

8 25-206.

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

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

27 25-401.

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

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

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

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

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

1 (I) ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER HAS  
2 AT LEAST 20 YEARS OF ELIGIBILITY SERVICE; AND

3 (II) THE MEMBER COMPLETES AND SUBMITS A WRITTEN  
4 APPLICATION TO THE BOARD OF TRUSTEES STATING THE DATE WHEN THE MEMBER  
5 DESIRES TO RETIRE.

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

9 29-410.

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

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

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

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

15 (iii) of the State Police Retirement System;

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

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

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

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

24 (1) benefits paid in a single payment;

25 (2) the return of accumulated contributions; or

26 (3) benefits attributable to additional contributions.

27 37-201.

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

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

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

4 (b) This title does not apply to:

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

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

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

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

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

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

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

26 (8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT SYSTEM AND  
27 THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT  
28 OF THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC  
29 SAFETY AND CORRECTIONAL SERVICES; OR

30 (9) A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM AND THE  
31 CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS AN AGENT OF  
32 THE DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY  
33 AND CORRECTIONAL SERVICES.

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

