

# HOUSE BILL 840

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By: **Delegates Haynes, Heller, Jones, and Robinson**

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership**

3 FOR the purpose of altering the membership of the Correctional Officers' Retirement  
4 System; providing that certain members of the Correctional Officers' Retirement  
5 System may receive a normal service retirement or a deferred vested retirement  
6 allowance under certain circumstances; requiring the transfer of certain  
7 member contributions to the annuity savings fund of the Correctional Officers'  
8 Retirement System; providing for a refund of certain member contributions  
9 under certain circumstances; providing that certain transfers of credit between  
10 the Employees' Retirement and Pension Systems and the Correctional Officers'  
11 Retirement System are not governed by certain provisions of law; and generally  
12 relating to membership in the Correctional Officers' Retirement System.

13 BY repealing and reenacting, with amendments,  
14 Article – State Personnel and Pensions  
15 Section 25–201, 25–401, and 29–302(c)  
16 Annotated Code of Maryland  
17 (2004 Replacement Volume and 2006 Supplement)

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

20 **Article – State Personnel and Pensions**

21 25–201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) correctional officers serving in any of the first six job  
4 classifications;

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

6 (3) a detention center officer employed by a participating  
7 governmental unit that on or after July 1, 2006, has elected to participate in the  
8 Correctional Officers' Retirement System; [and]

9 (4) an individual serving as a correctional dietary, maintenance,  
10 **LAUNDRY**, or supply officer; **AND**

11 **(5) AN INDIVIDUAL SERVING AS A MARYLAND CORRECTIONAL**  
12 **ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT SUPERVISOR, PLANT**  
13 **MANAGER, OR REGIONAL MANAGER.**

14 (b) This subtitle does not apply to:

15 (1) an employee of the Baltimore City Jail as of June 30, 1991, who:

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

18 (ii) did not elect to become a member of the Correctional  
19 Officers' Retirement System on that date; or

20 (2) a detention center officer employed by a participating  
21 governmental unit as a local detention center officer on the effective date of  
22 participation on or after July 1, 2006, who did not elect to become a member of the  
23 Correctional Officers' Retirement System within 6 months of the effective date of  
24 participation.

25 25-401.

26 (a) A member may retire with a normal service retirement allowance if:

27 (1) on or before the date of retirement, the member has at least 20  
28 years of eligibility service;

1 (2) for at least 5 years immediately before retirement, the member  
2 was:

3 (I) a security attendant at Clifton T. Perkins Hospital  
4 Center[,];

5 (II) a correctional officer in any of the first six job classifications,  
6 or in a combination of these positions; [and]

7 (III) **A CORRECTIONAL LAUNDRY OFFICER; OR**

8 (IV) **AN INDIVIDUAL SERVING AS A MARYLAND**  
9 **CORRECTIONAL ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT**  
10 **SUPERVISOR, PLANT MANAGER, OR REGIONAL MANAGER; AND**

11 (3) the member completes and submits a written application to the  
12 Board of Trustees stating the date when the member desires to retire.

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

16 29-302.

17 (c) A vested allowance is a deferred allowance starting at:

18 (1) normal retirement age for members of:

19 (i) the Employees' Retirement System;

20 (ii) the State Police Retirement System; and

21 (iii) the Teachers' Retirement System;

22 (2) age 55 for a member of the Correctional Officers' Retirement  
23 System who is:

24 (I) a correctional officer in the first six job classifications; [or]

25 (II) **A CORRECTIONAL LAUNDRY OFFICER; OR**

1                   **(III) AN INDIVIDUAL SERVING AS A MARYLAND**  
2 **CORRECTIONAL ENTERPRISES OFFICER, OFFICER TRAINEE, PLANT**  
3 **SUPERVISOR, PLANT MANAGER, OR REGIONAL MANAGER; OR**

4                   (3) age 60 for a member of the Correctional Officers' Retirement  
5 System who is a maximum security attendant at the Clifton T. Perkins Hospital  
6 Center.

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

8                   (a) This section applies to an individual who is:

9                   (1) a correctional laundry officer; or

10                   (2) serving as a Maryland Correctional Enterprises officer, officer  
11 trainee, plant supervisor, plant manager, or regional manager.

12                   (b) The transfer of creditable service for an individual described in  
13 subsection (a) of this section who is a member of either the Employees' Retirement  
14 System or Employees' Pension System on June 30, 2007, who transfers to the  
15 Correctional Officers' Retirement System under this Act, is not governed by Title 37 of  
16 the State Personnel and Pensions Article.

17                   (c) The Board of Trustees shall transfer the total member contributions to  
18 the individual's credit in either the Employees' Retirement System or Employees'  
19 Pension System, plus regular interest, to the annuity savings fund of the Correctional  
20 Officers' Retirement System.

21                   (d) (1) (i) This section applies to an individual who, on June 30, 2007,  
22 is:

23                   1. a correctional laundry officer; or

24                   2. serving as a Maryland Correctional Enterprises  
25 officer, officer trainee, plant supervisor, plant manager, or regional manager;

26                   (ii) transfers to the Correctional Officers' Retirement System  
27 under this Act; and

28                   (iii) at the time of transferring to the Correctional Officers'  
29 Retirement System is a member of the Employees' Retirement System making  
30 member contributions at the rate of 7% of the individual's earnable compensation.

1           (2) An individual described under paragraph (1) of this subsection  
2 shall receive the difference between the member contributions at the rate provided for  
3 in the Correctional Officers' Retirement System, including interest on those  
4 contributions, and the total accumulated member contributions to the individual's  
5 credit, plus interest on those contributions, in the annuity savings fund of the  
6 Employees' Retirement System.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2007.