

# SENATE BILL 493

K4  
SB 637/06 – B&T

71r2255  
CF 71r2252

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By: **Senators Kasemeyer, DeGrange, Madaleno, and McFadden**  
Introduced and read first time: February 2, 2007  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Officers' Retirement System – Membership – Parole and**  
3 **Probation**

4 FOR the purpose of providing certain individuals who are employed by the Division of  
5 Parole and Probation of the Department of Public Safety and Correctional  
6 Services with membership in the Correctional Officers' Retirement System;  
7 requiring the Board of Trustees of the State Retirement and Pension System to  
8 transfer certain contributions to certain funds of the Correctional Officers'  
9 Retirement System; requiring certain individuals who are employed by the  
10 Division of Parole and Probation of the Department of Public Safety and  
11 Correctional Services to have a certain number of years of eligibility service to  
12 receive a normal service retirement allowance from the Correctional Officers'  
13 Retirement System; providing that certain provisions of law do not apply to  
14 certain transfers between the employees' systems and the Correctional Officers'  
15 Retirement System; and generally relating to transferring certain individuals  
16 who are employed by the Division of Parole and Probation of the Department of  
17 Public Safety and Correctional Services into the Correctional Officers'  
18 Retirement System.

19 BY repealing and reenacting, with amendments,  
20 Article – State Personnel and Pensions  
21 Section 25–201, 25–202, 25–401, and 37–201  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2006 Supplement)

24 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Personnel and Pensions  
 2 Section 25–207  
 3 Annotated Code of Maryland  
 4 (2004 Replacement Volume and 2006 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – State Personnel and Pensions  
 7 Section 29–410  
 8 Annotated Code of Maryland  
 9 (2004 Replacement Volume and 2006 Supplement)

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

12 **Article – State Personnel and Pensions**

13 25–201.

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

16 (1) correctional officers serving in any of the first six job  
 17 classifications;

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

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

22 (4) an individual serving as a correctional dietary, maintenance, or  
 23 supply officer; **AND**

24 **(5) AGENTS AND FIELD SUPERVISORS I OF THE DIVISION OF**  
 25 **PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
 26 **CORRECTIONAL SERVICES.**

27 (b) This subtitle does not apply to:

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

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

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

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

10 25–202.

11 (a) Except as provided in subsection (b) of this section, an individual  
12 described in § 25–201(a) of this subtitle is a member of the Correctional Officers'  
13 Retirement System as a condition of employment.

14 (b) (1) Subject to paragraph (2) of this subsection, membership in the  
15 Correctional Officers' Retirement System is optional for an individual described in  
16 § 25–201 of this subtitle:

17 (I) who was employed by a participating governmental unit as a  
18 local detention center officer on the effective date of participation on or after July 1,  
19 2006, for that participating governmental unit and who elects membership within 6  
20 months of the effective date of participation; **OR**

21 (II) **WHO WAS EMPLOYED BY THE DIVISION OF PAROLE AND**  
22 **PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
23 **SERVICES ON JUNE 30, 2007, AND WHO ELECTS MEMBERSHIP ON OR BEFORE**  
24 **DECEMBER 31, 2007.**

25 (2) To elect to be a member of the Correctional Officers' Retirement  
26 System, an individual shall file a written application with the State Retirement  
27 Agency.

28 (3) If an individual does not elect membership during the applicable  
29 period specified under paragraph (1) of this subsection, the individual may not become  
30 a member of the Correctional Officers' Retirement System.

31 **25–207.**

1           **(A) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE**  
2 **FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT**  
3 **SYSTEM AS AGENTS OR FIELD SUPERVISORS I OF THE DIVISION OF PAROLE**  
4 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
5 **CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL TRANSFER TO**  
6 **THE ACCUMULATION FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT**  
7 **SYSTEM THE EMPLOYER CONTRIBUTIONS THAT WERE MADE TO THE**  
8 **EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM**  
9 **ON BEHALF OF THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST**  
10 **EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

11           **(B) FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE**  
12 **FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT**  
13 **SYSTEM AS AGENTS OR FIELD SUPERVISORS I OF THE DIVISION OF PAROLE**  
14 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
15 **CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL TRANSFER TO**  
16 **THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT**  
17 **SYSTEM THE EMPLOYEE CONTRIBUTIONS THAT WERE MADE TO THE**  
18 **EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM BY**  
19 **THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON THOSE**  
20 **CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

21 25-401.

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

24                   **[(1)] (I) on or before the date of retirement, the member has at least**  
25 **20 years of eligibility service;**

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

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

32           **(2) A MEMBER WHO IS AN AGENT OR FIELD SUPERVISOR I OF THE**  
33 **DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC**

1 **SAFETY AND CORRECTIONAL SERVICES MAY RETIRE WITH A NORMAL SERVICE**  
2 **RETIREMENT ALLOWANCE IF:**

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

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

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

11 29-410.

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

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

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

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

17 (iii) of the State Police Retirement System;

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

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

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

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

26 (1) benefits paid in a single payment;

27 (2) the return of accumulated contributions; or

1 (3) benefits attributable to additional contributions.

2 37–201.

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

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

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

10 (b) This title does not apply to:

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

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

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

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

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

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

29 (7) a transfer between the Employees' Pension System of the State of  
30 Maryland and the Teachers' Pension System of the State of Maryland if the member is

1 subject to the contributory pension benefit under Title 23, Subtitle 2, Part II of this  
2 article in the previous and current system;

3 **(8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT**  
4 **SYSTEM AND THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE**  
5 **MEMBER IS AN AGENT OR FIELD SUPERVISOR I OF THE DIVISION OF PAROLE**  
6 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**  
7 **CORRECTIONAL SERVICES; OR**

8 **(9) A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM**  
9 **AND THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS**  
10 **AN AGENT OR FIELD SUPERVISOR I OF THE DIVISION OF PAROLE AND**  
11 **PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
12 **SERVICES.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 July 1, 2007.