

HOUSE BILL 820

K4
HB 831/07 – APP

8lr2830
CF SB 656

By: **Delegates Hubbard and Proctor**
Introduced and read first time: February 6, 2008
Assigned to: Appropriations

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 2007 Supplement)

24 BY adding to
25 Article – State Personnel and Pensions
26 Section 25–207
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – State Personnel and Pensions
3 Section 29–410
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2007 Supplement)

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

8 **Article – State Personnel and Pensions**

9 25–201.

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

12 (1) correctional officers serving in any of the first six job
13 classifications;

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

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

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

20 (5) **AGENTS AND FIELD SUPERVISORS I OF THE DIVISION OF**
21 **PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**
22 **CORRECTIONAL SERVICES.**

23 (b) This subtitle does not apply to:

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

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

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

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

1 25-202.

2 (a) Except as provided in subsection (b) of this section, an individual
3 described in § 25-201(a) of this subtitle is a member of the Correctional Officers'
4 Retirement System as a condition of employment.

5 (b) (1) Subject to paragraph (2) of this subsection, membership in the
6 Correctional Officers' Retirement System is optional for an individual described in
7 § 25-201 of this subtitle:

8 (I) who was employed by a participating governmental unit as a
9 local detention center officer on the effective date of participation on or after July 1,
10 2006, for that participating governmental unit and who elects membership within 6
11 months of the effective date of participation; **OR**

12 (II) **WHO WAS EMPLOYED BY THE DIVISION OF PAROLE AND**
13 **PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
14 **SERVICES ON JUNE 30, 2007, AND WHO ELECTS MEMBERSHIP ON OR BEFORE**
15 **DECEMBER 31, 2007.**

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

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

22 **25-207.**

23 (A) **FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE**
24 **FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT**
25 **SYSTEM AS AGENTS OR FIELD SUPERVISORS I OF THE DIVISION OF PAROLE**
26 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**
27 **CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL TRANSFER TO**
28 **THE ACCUMULATION FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT**
29 **SYSTEM THE EMPLOYER CONTRIBUTIONS THAT WERE MADE TO THE**
30 **EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM**
31 **ON BEHALF OF THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST**
32 **EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

33 (B) **FOR MEMBERS WHO TRANSFER UNDER § 25-202 OF THIS SUBTITLE**
34 **FROM THE EMPLOYEES' PENSION SYSTEM OR THE EMPLOYEES' RETIREMENT**
35 **SYSTEM AS AGENTS OR FIELD SUPERVISORS I OF THE DIVISION OF PAROLE**

1 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**
 2 **CORRECTIONAL SERVICES, THE BOARD OF TRUSTEES SHALL TRANSFER TO**
 3 **THE ANNUITY SAVINGS FUND OF THE CORRECTIONAL OFFICERS' RETIREMENT**
 4 **SYSTEM THE EMPLOYEE CONTRIBUTIONS THAT WERE MADE TO THE**
 5 **EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM BY**
 6 **THOSE MEMBERS WHO TRANSFERRED, PLUS THE INTEREST EARNED ON THOSE**
 7 **CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

8 25-401.

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

11 [(1)] (I) on or before the date of retirement, the member has at least
 12 20 years of eligibility service;

13 [(2)] (II) for at least 5 years immediately before retirement, the
 14 member was:

15 [(i)] 1. a security attendant at Clifton T. Perkins Hospital
 16 Center;

17 [(ii)] 2. a correctional officer in any of the first six job
 18 classifications;

19 [(iii)] 3. a detention center officer employed by a participating
 20 governmental unit that has elected to participate in the Correctional Officers'
 21 Retirement System;

22 [(iv)] 4. an individual serving as a correctional dietary,
 23 maintenance, or supply officer; or

24 [(v)] 5. in a combination of these positions; and

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

27 (2) **A MEMBER WHO IS AN AGENT OR FIELD SUPERVISOR I OF THE**
 28 **DIVISION OF PAROLE AND PROBATION OF THE DEPARTMENT OF PUBLIC**
 29 **SAFETY AND CORRECTIONAL SERVICES MAY RETIRE WITH A NORMAL SERVICE**
 30 **RETIREMENT ALLOWANCE IF:**

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

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

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

7 29-410.

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

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

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

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

13 (iii) of the State Police Retirement System;

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

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

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

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

22 (1) benefits paid in a single payment;

23 (2) the return of accumulated contributions; or

24 (3) benefits attributable to additional contributions.

25 37-201.

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

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

1 (2) under each system contributions that are computed to be sufficient
2 to 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
6 Maryland;

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

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

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

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

19 (6) a transfer between the Employees' Pension System of the State of
20 Maryland and the Teachers' Pension System of the State of Maryland if the member:

21 (i) is subject to the noncontributory pension benefit in both the
22 previous and current system;

23 (ii) is subject to the contributory pension benefit under Title 23,
24 Subtitle 2, Part II of this article in both the previous and current system; or

25 (iii) is subject to the alternate contributory pension selection
26 under Title 23, Subtitle 2, Part III of this article in both the previous and current
27 system; [or]

28 (7) a transfer between the Correctional Officers' Retirement System or
29 the Employees' Pension System to the Law Enforcement Officers' Pension System
30 under §§ 26–203.1(e) and 26–203.3 of this article;

31 **(8) A TRANSFER BETWEEN THE EMPLOYEES' RETIREMENT**
32 **SYSTEM AND THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE**
33 **MEMBER IS AN AGENT OR FIELD SUPERVISOR I OF THE DIVISION OF PAROLE**
34 **AND PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND**
35 **CORRECTIONAL SERVICES; OR**

1 **(9) A TRANSFER BETWEEN THE EMPLOYEES' PENSION SYSTEM**
2 **AND THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE MEMBER IS**
3 **AN AGENT OR FIELD SUPERVISOR I OF THE DIVISION OF PAROLE AND**
4 **PROBATION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
5 **SERVICES.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2008.