

BRIAN E. FROSH
ATTORNEY GENERAL



SANDRA BENSON BRANTLEY
COUNSEL TO THE GENERAL ASSEMBLY

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

CAROLYN A. QUATROCKI
DEPUTY ATTORNEY GENERAL

KATHRYN M. ROWE
DEPUTY COUNSEL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 14, 2017

The Honorable Lawrence J. Hogan, Jr.
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

RE: *House Bill 1110 and Senate Bill 754 - Law Enforcement Officers' Pension System – Membership*

Dear Governor Hogan:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 1110 and Senate Bill 754, which are identical. Both bills provide that an individual who is a member of the Employee's Pension System, began employment in the Warrant Apprehension Unit on or before June 30, 2015, did not submit an application to become a member of the Law Enforcement Officer's Pension System by January 1, 2016 in accordance with Chapter 268 of 2016, and is a current employee of the Warrant Apprehension Unit who has powers granted to a peace officer or a police officer shall be transferred to the Law Enforcement Pension System and shall take certain actions as a result. The Fiscal and Policy Note on the two bills reflect that the bill is believed to apply to only one individual.

Maryland Constitution Article III, § 33 provides in relevant part, that "the General Assembly shall pass no special Law, for any case, for which provision has been made, by an existing General Law." The Court of Appeals has, however, recognized the propriety of individual grants of retirement benefits for employees who do not meet the requirements of the general law. *Police Pension Cases*, 131 Md. 315 (1917). In that case, which involved grants of pensions to individuals by name, the Court found that no general law covered the specific circumstances and

The Honorable Lawrence J. Hogan, Jr.
April 14, 2017
Page 2

that “[i]f a worthy person does not come within [pension] provisions, it cannot properly be said that an Act cannot be passed to provide for his or her case . . .” *Id.* at 322. Based on this case, it is our view that House Bill 1110 and Senate Bill 754 are not invalid special laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Brian E. Frosh
Attorney General

BEF/SBB/kd

cc: The Honorable John C. Wobensmith
Chris Shank
Warren Deschenaux