

SENATE BILL 865

P6

5lr3045
CF 5lr3044

By: **Senator Muse**

Introduced and read first time: January 28, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Forest Heights Police Department**
3 **– Membership**

4 FOR the purpose of authorizing certain law enforcement employees of the Forest Heights
5 Police Department to participate in the Law Enforcement Officers' Pension System;
6 providing that membership in the Law Enforcement Officers' Pension System is
7 optional for certain employees of the Forest Heights Police Department; requiring
8 certain employees of the Forest Heights Police Department to make a certain election
9 on a certain date; providing for certain employees of the Forest Heights Police
10 Department to receive service credit for certain prior service; providing that certain
11 employees of the Forest Heights Police Department who become members of the Law
12 Enforcement Officers' Pension System after a certain date may not receive certain
13 service credit; and generally relating to employees of the Forest Heights Police
14 Department participating in the Law Enforcement Officers' Pension System.

15 BY repealing and reenacting, without amendments,
16 Article – State Personnel and Pensions
17 Section 26–202(b)(1)(vi)2., (2), and (3), 31–2A–01(a) and (f), and 31–2A–03
18 Annotated Code of Maryland
19 (2024 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Personnel and Pensions
22 Section 31–2A–04
23 Annotated Code of Maryland
24 (2024 Replacement Volume and 2024 Supplement)

25 BY adding to
26 Article – State Personnel and Pensions
27 Section 31–2A–08
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2024 Replacement Volume and 2024 Supplement)

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

Article – State Personnel and Pensions

26–202.

(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers’ Pension System is optional for an individual described in § 26–201 of this subtitle:

(vi) who is employed by a participating governmental unit on the effective date of participation:

2. on or after July 1, 2017, for that participating governmental unit and who elects membership before the effective date of participation;

(2) To elect to be a member of the Law Enforcement Officers’ Pension System, an individual shall file a written application with the State Retirement Agency on a form that the State Retirement Agency provides.

(3) (i) An election to join the Law Enforcement Officers’ Pension System under this subsection is a one–time, irrevocable election.

(ii) If an individual does not elect membership during the applicable period specified under paragraph (1) of this subsection, the individual may not subsequently become a member of the Law Enforcement Officers’ Pension System.

31–2A–01.

(a) In this subtitle the following words have the meanings indicated.

(f) “Law enforcement officer” means an individual certified by the Maryland Police Training and Standards Commission as a law enforcement officer.

31–2A–03.

(a) Subject to subsection (b) of this section, the legislative body of an eligible governmental unit may approve participation by its law enforcement officers, firefighters, or emergency medical technicians in the Law Enforcement Officers’ Pension System if:

(1) the legislative body adopts a resolution in the form prescribed by the Board of Trustees; and

1 (2) the eligible governmental unit participates in a State system or
2 operates a local plan, only if:

3 (i) at least 60% of the law enforcement officers, firefighters, or
4 emergency medical technicians of the eligible governmental unit petition to become
5 members of the Law Enforcement Officers' Pension System;

6 (ii) the eligible governmental unit satisfies the requirements in
7 subsection (b) of this section; and

8 (iii) the legislative body approves participation of its law enforcement
9 officers, firefighters, or emergency medical technicians in lieu of participation in the State
10 system or local plan.

11 (b) An eligible governmental unit that operates a local plan or participates in a
12 State system may approve participation of its law enforcement officers, firefighters, or
13 emergency medical technicians in the Law Enforcement Officers' Pension System only if:

14 (1) the State system or local plan of the eligible governmental unit requires
15 member contributions at the same rate as the member contribution rate that would be
16 applicable to the law enforcement officers, firefighters, or emergency medical technicians
17 of the eligible governmental unit in the Law Enforcement Officers' Pension System; or

18 (2) the eligible governmental unit:

19 (i) does not provide for the employer pickup of member
20 contributions to the State system or local plan within the meaning of § 414(h)(2) of the
21 Internal Revenue Code; and

22 (ii) certifies that it will not become an approved employer under §
23 21-313 of this article on or after the effective date of participation.

24 (c) (1) If an eligible governmental unit does not satisfy the requirements
25 under subsection (b) of this section, the eligible governmental unit may submit a request to
26 the Board of Trustees to participate in the Law Enforcement Officers' Pension System.

27 (2) The Board of Trustees shall consider a request made under paragraph
28 (1) of this subsection and determine whether any legislation is necessary to allow the
29 eligible governmental unit to participate in the Law Enforcement Officers' Pension System.

30 (3) The Board of Trustees shall make recommendations to the Joint
31 Committee on Pensions regarding any legislation that it determines is necessary to allow
32 the eligible governmental unit to participate in the Law Enforcement Officers' Pension
33 System.

34 31-2A-04.

1 [If] EXCEPT AS PROVIDED UNDER § 31-2A-08 OF THIS SUBTITLE, IF a law
2 enforcement officer, firefighter, emergency medical technician, or paramedic joins the Law
3 Enforcement Officers' Pension System on the effective date, the member is entitled to credit
4 for employment with the participating governmental unit before the effective date.

5 **31-2A-08.**

6 **(A) THIS SECTION APPLIES TO AN INDIVIDUAL WHO IS EMPLOYED AS A**
7 **LOCAL LAW ENFORCEMENT OFFICER OF THE FOREST HEIGHTS POLICE**
8 **DEPARTMENT.**

9 **(B) AN EMPLOYEE OF THE FOREST HEIGHTS POLICE DEPARTMENT WHO**
10 **ELECTS MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IN**
11 **ACCORDANCE WITH § 26-202(B) OF THIS ARTICLE AND IS AN EMPLOYEE OF THE**
12 **FOREST HEIGHTS POLICE DEPARTMENT ON THE EFFECTIVE DATE SHALL RECEIVE**
13 **ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE LAW ENFORCEMENT**
14 **OFFICERS' PENSION SYSTEM EQUAL TO 50% OF THE INDIVIDUAL'S PERIOD OF**
15 **EMPLOYMENT WITH THE FOREST HEIGHTS POLICE DEPARTMENT BEFORE THE**
16 **EFFECTIVE DATE AS CERTIFIED BY THE FOREST HEIGHTS POLICE DEPARTMENT AS**
17 **OF THE EFFECTIVE DATE.**

18 **(C) IF AN EMPLOYEE OR A FORMER EMPLOYEE OF THE FOREST HEIGHTS**
19 **POLICE DEPARTMENT BECOMES A MEMBER OF THE LAW ENFORCEMENT**
20 **OFFICERS' PENSION SYSTEM AT ANY TIME AFTER THE EFFECTIVE DATE, THE**
21 **EMPLOYEE MAY NOT RECEIVE SERVICE CREDIT FOR EMPLOYMENT WITH THE**
22 **FOREST HEIGHTS POLICE DEPARTMENT BEFORE THE EFFECTIVE DATE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
24 1, 2025.