

# HOUSE BILL 694

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CF SB 286

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By: **Delegates Jackson, Angel, Barkley, D. Barnes, Barron, Buckel, Carter, Chang, Clippinger, Cluster, Fennell, Frush, Ghrist, Glenn, Haynes, Hettleman, Hill, Jalisi, Knotts, Lam, Luedtke, McConkey, McKay, O'Donnell, Patterson, B. Robinson, Sophocleus, Tarlau, Turner, Valderrama, Valentino-Smith, Vaughn, Vogt, Walker, A. Washington, C. Wilson, and Zucker**

Introduced and read first time: February 12, 2015

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Division of Parole and Probation –**  
3 **Warrant Apprehension Unit Employees – Membership**

4 FOR the purpose of providing for the membership of employees of the Warrant  
5 Apprehension Unit in the Law Enforcement Officers' Pension System; authorizing  
6 certain employees of the Warrant Apprehension Unit to transfer membership to the  
7 Law Enforcement Officers' Pension System by a certain date; requiring the Board of  
8 Trustees for the State Retirement and Pension System to transfer certain funds to  
9 the accumulation fund of the Law Enforcement Officers' Pension System; requiring  
10 certain members of the Warrant Apprehension Unit to deposit certain amounts in  
11 the annuity savings fund of the Law Enforcement Officers' Pension System; and  
12 generally relating to membership in the Law Enforcement Officers' Pension System.

13 BY repealing and reenacting, without amendments,  
14 Article – Correctional Services  
15 Section 6–106  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – State Personnel and Pensions  
20 Section 26–201(a), 26–202, and 26–203.1  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2014 Supplement)

23 BY adding to  
24 Article – State Personnel and Pensions

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 26–203.4  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume and 2014 Supplement)

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

6 **Article – Correctional Services**

7 6–106.

8 (a) There is a Warrant Apprehension Unit in the Division of Parole and  
9 Probation.

10 (b) The Director may authorize parole and probation employees of the Warrant  
11 Apprehension Unit to:

12 (1) execute warrants for the retaking of offenders;

13 (2) execute warrants for the arrest of probationers for whom a warrant is  
14 issued for an alleged violation of probation;

15 (3) obtain and execute search warrants as authorized under § 6–109 of this  
16 subtitle; and

17 (4) arrest offenders in the program as authorized under § 2–207 of the  
18 Criminal Procedure Article.

19 (c) A parole and probation employee who is authorized to make arrests under this  
20 section shall:

21 (1) meet the minimum qualifications required by the Maryland Police  
22 Training Commission; and

23 (2) complete satisfactorily the training prescribed by the Maryland Police  
24 Training Commission.

25 (d) A parole and probation employee who is authorized to make arrests under this  
26 section may also exercise the powers of a peace officer and police officer.

27 **Article – State Personnel and Pensions**

28 26–201.

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

1 (1) an employee of the Department of Natural Resources commissioned by  
2 the Secretary of Natural Resources as:

3 (i) a Natural Resources police officer; or

4 (ii) a law enforcement officer, other than a Natural Resources police  
5 officer;

6 (2) a law enforcement officer employed by the Field Enforcement Bureau;

7 (3) a member of the Maryland Transportation Authority Police Force who  
8 has the powers granted to a police officer under § 4–208 of the Transportation Article;

9 (4) a deputy sheriff employed by the Baltimore City Sheriff's Department;

10 (5) a member of the University of Maryland Police Force who has the  
11 powers granted to a police officer under § 13–601 of the Education Article;

12 (6) a law enforcement officer or firefighter employed by a participating  
13 governmental unit that on or after July 1, 1999 has elected to participate in the Law  
14 Enforcement Officers' Pension System;

15 (7) the State Fire Marshal or a Deputy State Fire Marshal;

16 (8) a member of the Morgan State University Police Force who has the  
17 powers granted to a police officer under § 14–106 of the Education Article;

18 (9) a member of the BWI Airport Fire & Rescue Department;

19 (10) a member of the Department of General Services Police Force who has  
20 the powers granted to a police officer under § 4–605 of the State Finance and Procurement  
21 Article;

22 (11) an employee of the Department of Health and Mental Hygiene  
23 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental  
24 Hygiene police officer;

25 (12) an employee of the Motor Vehicle Administration commissioned by the  
26 Secretary of Transportation as a Motor Vehicle Administration police officer;

27 (13) an employee of the Department of Labor, Licensing, and Regulation  
28 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing,  
29 and Regulation police officer;

30 (14) a firefighter or law enforcement officer for the Martin State Airport  
31 employed by the Military Department;

1 (15) a police officer employed by the Division of Rehabilitation Services in  
2 the Department of Education, certified in accordance with the Maryland Police and  
3 Correctional Training Commissions;

4 (16) a firefighter or paramedic employed by the Salisbury Fire Department  
5 who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;

6 (17) an aviator employed by the Department of State Police to operate an  
7 aircraft for the State Emergency Medical System;

8 (18) a member of the Maryland Transit Administration Police Force who has  
9 the powers granted to a police officer under § 7–207 of the Transportation Article;

10 (19) an individual who is elected or appointed as the Baltimore City Sheriff  
11 and who does not elect to join the Employees' Pension System under Title 23 of this article  
12 within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

13 (20) a member of the Department of Public Safety and Correctional Services  
14 Intelligence and Investigative Division who has the powers granted to a police officer under  
15 § 10–701 of the Correctional Services Article; [or]

16 (21) a police officer employed by the Baltimore City Community College who  
17 has the power granted to a police officer under § 16–513 of the Education Article; **OR**

18 **(22) AN EMPLOYEE OF THE WARRANT APPREHENSION UNIT OF THE**  
19 **DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY**  
20 **AND CORRECTIONAL SERVICES WHO HAS THE POWERS GRANTED TO A PEACE**  
21 **OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL SERVICES**  
22 **ARTICLE.**

23 26–202.

24 (a) Except as provided in subsection (b) of this section, an individual described in  
25 § 26–201 of this subtitle is a member of the Law Enforcement Officers' Pension System as  
26 a condition of employment.

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

30 (i) who was employed by the Department of Natural Resources on  
31 July 1, 1990 and who elects membership on or before December 31, 2002;

32 (ii) who was employed by the Field Enforcement Division on June  
33 30, 1995 and who elects membership on or before December 31, 2002;

1 (iii) who was employed by the Maryland Transportation Authority on  
2 June 30, 1997 and who elects membership on or before December 31, 2002;

3 (iv) who was employed by the Baltimore City Sheriff's Department  
4 on June 30, 1997 and who elects membership on or before December 31, 2002;

5 (v) who was employed by the University of Maryland Police Force on  
6 June 30, 1999 and who elects membership on or before December 31, 2002;

7 (vi) who is employed by a participating governmental unit on the  
8 effective date of participation on or after July 1, 1999 for that participating governmental  
9 unit and who elects membership within 6 months of the effective date of participation;

10 (vii) who was employed by the Maryland Port Administration Police  
11 Force and was subsequently transferred to and employed by the Maryland Transportation  
12 Authority Police Force on July 1, 1998 and who elects membership on or before December  
13 31, 2002;

14 (viii) who was employed by the office of the State Fire Marshal on June  
15 30, 1998 and who elects membership on or before December 31, 2002;

16 (ix) who was employed by the Morgan State University Police Force  
17 on June 30, 1999 and who elects membership on or before December 31, 2002;

18 (x) who was employed by the BWI Airport Fire & Rescue  
19 Department on June 30, 2000, and who elects membership on or before December 31, 2002;

20 (xi) who was employed by the Department of General Services,  
21 Department of Health and Mental Hygiene, Motor Vehicle Administration, and  
22 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and who  
23 elects membership on or before December 31, 2002;

24 (xii) who was employed by the Military Department as a firefighter at  
25 Martin State Airport on June 30, 2001, and who elects membership on or before December  
26 31, 2002;

27 (xiii) who was employed on June 30, 2002, by the Division of  
28 Rehabilitation Services in the Department of Education as a police officer certified in  
29 accordance with the Maryland Police and Correctional Training Commissions, and who  
30 elects membership on or before December 31, 2002;

31 (xiv) who was employed on June 30, 2004, by the Salisbury Fire  
32 Department as a firefighter or paramedic and who elects membership on or before  
33 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

1 (xv) who was employed on June 30, 2005, by the Department of State  
2 Police as an aviator operating an aircraft for the State Emergency Medical System, and  
3 who elects membership on or before December 31, 2005;

4 (xvi) who was employed by the Military Department as a law  
5 enforcement officer at Martin State Airport on June 30, 2007, and who elects membership  
6 on or before December 31, 2007;

7 (xvii) who was a member of the Department of Public Safety and  
8 Correctional Services Intelligence and Investigative Division who has powers granted to a  
9 police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who  
10 elects membership on or before December 31, 2007; [or]

11 (xviii) who was employed on July 1, 2008, as a police officer by the  
12 Baltimore City Community College Police Force and who elects membership on or before  
13 December 31, 2008; OR

14 **(XIX) WHO WAS AN EMPLOYEE OF THE WARRANT APPREHENSION**  
15 **UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF**  
16 **PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO HAS POWERS GRANTED TO A**  
17 **PEACE OFFICER OR POLICE OFFICER UNDER § 6–106 OF THE CORRECTIONAL**  
18 **SERVICES ARTICLE ON JUNE 30, 2015, AND WHO ELECTS MEMBERSHIP ON OR**  
19 **BEFORE DECEMBER 31, 2015.**

20 (2) To elect to be a member of the Law Enforcement Officers' Pension  
21 System, an individual shall file a written application with the State Retirement Agency.

22 (3) If an individual does not elect membership during the applicable period  
23 specified under paragraph (1) of this subsection, the individual may not become a member  
24 of the Law Enforcement Officers' Pension System.

25 26–203.1.

26 (a) For members who transfer from the Employees' Pension System or the  
27 Employees' Retirement System, the Board of Trustees shall transfer to the accumulation  
28 fund of the Law Enforcement Officers' Pension System the employer contributions that  
29 were made to the Employees' Retirement System and the Employees' Pension System on  
30 behalf of those members who transferred, plus the interest earned on those contributions  
31 through the date of transfer.

32 (b) For those full-time employees of the BWI Airport Fire & Rescue Department  
33 who were employed on or after October 1, 1993 and who elect membership in the Law  
34 Enforcement Officers' Pension System on or before December 31, 2000, the Board of  
35 Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension  
36 System the employer contributions made to the Employees' Retirement System and the

1 Employees' Pension System on behalf of those transferring members, plus the interest  
2 earned on those contributions through the date of transfer.

3 (c) (1) For members who transfer from a local pension system, the local  
4 pension system shall transfer to the Board of Trustees the employer contributions that were  
5 made to the local pension system on behalf of those members who transferred, plus the  
6 interest earned on those contributions through the date of transfer.

7 (2) The Board of Trustees shall deposit any funds transferred under  
8 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers'  
9 Pension System.

10 (d) (1) On or before January 1, 2006, for members who transfer from the  
11 Maryland Transit Administration Pension System established under § 7-603 of the  
12 Transportation Article, the Maryland Transit Administration shall transfer to the Board of  
13 Trustees the employer contributions made to the pension system established under §  
14 7-603 of the Transportation Article on behalf of those members who transfer, plus the  
15 interest earned on those contributions through July 1, 2005.

16 (2) The Board of Trustees shall deposit any funds transferred under  
17 paragraph (1) of this subsection in the accumulation fund of the Law Enforcement Officers'  
18 Pension System.

19 (e) (1) This subsection applies to members of the Department of Public Safety  
20 and Correctional Services Intelligence and Investigative Division who:

21 (i) have the powers granted to a police officer under § 10-701 of the  
22 Correctional Services Article; and

23 (ii) transfer to the Law Enforcement Officers' Pension System on or  
24 before December 31, 2007.

25 (2) The Board of Trustees shall transfer to the accumulation fund of the  
26 Law Enforcement Officers' Pension System the employer contributions made to the  
27 Correctional Officers' Retirement System or the Employees' Pension System on behalf of  
28 those members under paragraph (1) of this subsection, plus the interest earned on those  
29 contributions through the date of transfer.

30 **(F) (1) THIS SUBSECTION APPLIES TO A MEMBER OF THE WARRANT**  
31 **APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE**  
32 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**

33 **(I) HAS THE POWERS GRANTED TO A PEACE OFFICER OR**  
34 **POLICE OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

1                   **(II) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS'**  
2 **PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2015.**

3                   **(2) THE BOARD OF TRUSTEES SHALL TRANSFER TO THE**  
4 **ACCUMULATION FUND OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM**  
5 **THE EMPLOYER CONTRIBUTIONS MADE TO THE CORRECTIONAL OFFICERS'**  
6 **RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM ON BEHALF OF**  
7 **THOSE MEMBERS UNDER PARAGRAPH (1) OF THIS SUBSECTION, PLUS THE INTEREST**  
8 **EARNED ON THOSE CONTRIBUTIONS THROUGH THE DATE OF TRANSFER.**

9 **26-203.4.**

10                   **(A) THIS SECTION APPLIES TO AN EMPLOYEE OF THE WARRANT**  
11 **APPREHENSION UNIT OF THE DIVISION OF PAROLE AND PROBATION IN THE**  
12 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES WHO:**

13                   **(1) HAS THE POWERS GRANTED TO A PEACE OFFICER OR POLICE**  
14 **OFFICER UNDER § 6-106 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

15                   **(2) TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION**  
16 **SYSTEM ON OR BEFORE DECEMBER 31, 2015.**

17                   **(B) A MEMBER SHALL DEPOSIT IN THE ANNUITY SAVINGS FUND OF THE LAW**  
18 **ENFORCEMENT OFFICERS' PENSION SYSTEM:**

19                   **(1) CONTRIBUTIONS AT THE RATES SPECIFIED UNDER § 26-204 OF**  
20 **THIS SUBTITLE; AND**

21                   **(2) REGULAR INTEREST ON THE CONTRIBUTIONS REQUIRED UNDER**  
22 **ITEM (1) OF THIS SUBSECTION AT THE RATE OF 5% PER YEAR COMPOUNDED**  
23 **ANNUALLY.**

24                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2015.