

HOUSE BILL 1058

P6

4lr3264
CF 4lr3054

By: **Delegate Young**

Introduced and read first time: February 7, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System – Participating Governmental Units**
3 **– Baltimore City School Police Force**

4 FOR the purpose of authorizing membership in the Law Enforcement Officers' Pension
5 System for certain employees of the Baltimore City School Police Force under certain
6 circumstances; and generally relating to membership in the Law Enforcement
7 Officers' Pension System.

8 BY repealing and reenacting, without amendments,
9 Article – Education
10 Section 4–303(a) and (d)(4) and 4–318(a), (b), and (c)
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Public Safety
15 Section 1–101(a) and (c)(1)(i) and (ii)3.
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Personnel and Pensions
20 Section 26–201(a)(22) and (23) and 31–2A–02
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2023 Supplement)

23 BY adding to
24 Article – State Personnel and Pensions
25 Section 26–201(a)(24)
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2023 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 31–2A–01, 31–2A–03, 31–2A–03.1, 31–2A–04, and 31–2A–05
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2023 Supplement)

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

8 Article – Education

9 4–303.

10 (a) In order to establish a new partnership between the City of Baltimore and the
11 State to improve the quality of public education in Baltimore City and to encourage more
12 efficient use of the resources of the State and Baltimore City, the Baltimore City Board of
13 School Commissioners is established in accordance with the provisions of this subtitle.

14 (d) (4) The board may not be deemed an agency of the State.

15 4–318.

16 (a) In this section, “Baltimore City school police officer” means any person who,
17 when acting in an official capacity, is authorized by law to make arrests and who is a
18 member of the Baltimore City School Police Force.

19 (b) There is a Baltimore City School Police Force.

20 (c) The members of the Baltimore City School Police Force shall be employees of
21 and be appointed by the Baltimore City Board of School Commissioners.

22 Article – Public Safety

23 1–101.

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

25 (c) (1) “Law enforcement officer” means an individual who:

26 (i) in an official capacity is authorized by law to make arrests; and

27 (ii) is a member of one of the following law enforcement agencies:

28 3. the Baltimore City School Police Force;

29 Article – State Personnel and Pensions

1 26–201.

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

4 (22) the Executive Director of the Alcohol, Tobacco, and Cannabis
5 Commission, only if the Executive Director is a sworn police officer with the powers granted
6 to an officer or employee of the Field Enforcement Division under § 1–313 of the Alcoholic
7 Beverages and Cannabis Article; [and]

8 (23) an emergency medical technician employed by a participating
9 governmental unit who is eligible to be a member as provided in Title 31, Subtitle 2A of
10 this article; AND

11 (24) **A BALTIMORE CITY SCHOOL POLICE OFFICER OF THE BALTIMORE**
12 **CITY SCHOOL POLICE FORCE WHO IS ELIGIBLE TO BE A MEMBER AS PROVIDED IN**
13 **TITLE 31, SUBTITLE 2A OF THIS ARTICLE.**

14 31–2A–01.

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

16 (b) “Effective date” means the date that an eligible governmental unit commenced
17 or commences participation in the Law Enforcement Officers’ Pension System.

18 (c) “Eligible governmental unit” means a governmental unit that is eligible to
19 participate in the Law Enforcement Officers’ Pension System under § 31–2A–02 of this
20 subtitle.

21 (d) (1) “Emergency medical technician” means a paid emergency medical
22 technician, as determined by the eligible governmental unit.

23 (2) “Emergency medical technician” does not include a volunteer
24 emergency medical technician.

25 (e) (1) “Firefighter” means:

26 (i) a paid firefighter, as determined by the eligible governmental
27 unit; or

28 (ii) a paid paramedic, as determined by the eligible governmental
29 unit.

30 (2) “Firefighter” does not include:

1 (i) a volunteer firefighter; or

2 (ii) a volunteer paramedic.

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

5 (g) (1) “Local plan” means a plan or any other arrangement of an eligible
6 governmental unit that is described in § 219(g)(5) of the Internal Revenue Code.

7 (2) “Local plan” does not include a plan established under § 457 of the
8 Internal Revenue Code.

9 (h) “State system” has the meaning stated in § 20–101(pp) of this article.

10 31–2A–02.

11 Subject to § 31–2A–03 of this subtitle, the governmental units that are eligible to
12 participate in the Law Enforcement Officers’ Pension System are:

13 (1) counties; [and]

14 (2) municipal corporations; AND

15 (3) **THE BALTIMORE CITY SCHOOL POLICE FORCE.**

16 31–2A–03.

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

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

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

24 (i) at least 60% of the law enforcement officers, firefighters, or
25 emergency medical technicians of the eligible governmental unit petition to become
26 members of the Law Enforcement Officers’ Pension System;

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

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

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

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

11 (2) the eligible governmental unit:

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

15 (ii) certifies that it will not become an approved employer under §
16 21–313 of this article on or after the effective date of participation.

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

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

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

27 31–2A–03.1.

28 (a) Except as provided in subsection (b) of this section, the effective date of
29 participation for an eligible governmental unit is July 1 of the year following the fiscal year
30 in which the eligible governmental unit elects to participate in the Law Enforcement
31 Officers' Pension System.

32 (b) If an eligible governmental unit does not provide the Board of Trustees with
33 the necessary documentation to join the Law Enforcement Officers' Pension System on or
34 before the effective date for the eligible governmental unit, the effective date shall be
35 postponed until July 1 of the second year following the fiscal year in which the eligible
36 governmental unit elects to participate in the Law Enforcement Officers' Pension System.

1 31-2A-04.

2 If a law enforcement officer, firefighter, emergency medical technician, or paramedic
3 joins the Law Enforcement Officers' Pension System on the effective date, the member is
4 entitled to credit for employment with the participating governmental unit before the
5 effective date.

6 31-2A-05.

7 (a) This section applies only to a local plan that is a qualified plan under § 401(a)
8 of the Internal Revenue Code and provides a defined benefit to its participants.

9 (b) If an eligible governmental unit approves participation in the Law
10 Enforcement Officers' Pension System, the operation of the local plan or State system with
11 respect to the law enforcement officers, firefighters, emergency medical technicians, or
12 paramedics terminates on the effective date.

13 (c) (1) On the effective date:

14 (i) the assets to the credit of the local plan or State system that
15 relate to the law enforcement officers, firefighters, emergency medical technicians, or
16 paramedics who elect to become members shall be transferred to the Law Enforcement
17 Officers' Pension System; and

18 (ii) the trustee or other administrative head of the local plan or State
19 system shall certify the proportion of the funds of the local plan or State system that
20 represents the accumulated contributions of the members as of that date.

21 (2) The accumulated contributions shall be credited to the respective
22 annuity savings accounts of the members in the Law Enforcement Officers' Pension
23 System.

24 (3) The balance of the funds transferred to the Law Enforcement Officers'
25 Pension System shall be offset against the special accrued liability to be funded by the
26 participating governmental unit as provided by § 21-306.1(d) of this article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2024.