

(3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4-208 of the Transportation Article; [or]

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

(5) THE STATE FIRE MARSHAL OR A DEPUTY STATE FIRE MARSHAL.

(b) This subtitle does not apply to:

(1) a Maryland Transportation Authority police officer who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996[.

(c) This subtitle does not apply to];

(2) a deputy sheriff employed by the Baltimore City Sheriff's Department who transferred from the Employees' Retirement System to the Employees' Pension System on or after December 1, 1996; OR

(3) A STATE FIRE MARSHAL OR DEPUTY STATE FIRE MARSHAL WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER DECEMBER 1, 1996.

26-202.

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

(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:

(i) who was employed by the Department of Natural Resources on July 1, 1990 and who elects membership on or before December 31, 1997;

(ii) who was employed by the Maryland Investigative Services Unit on June 30, 1995 and who elects membership on or before December 31, 1997;

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

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

(V) WHO WAS EMPLOYED BY THE OFFICE OF THE STATE FIRE MARSHAL ON JUNE 30, 1998 AND WHO ELECTS MEMBERSHIP ON OR BEFORE DECEMBER 31, 1998.

(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.