

(b) Except as provided in subsection (c) of this section, an accidental disability retirement allowance equals the lesser of:

- (1) the member's average final compensation; or
- (2) the sum of:

(i) an annuity that is the actuarial equivalent of the member's accumulated contributions at retirement; and

(ii) a pension equal to two-thirds of the member's average final compensation.

(c) (1) This subsection applies to a member of a State system other than the Law Enforcement Officers' Pension System who is at least normal retirement age.

- (2) An accidental disability retirement allowance equals the greater of:

(i) a normal service retirement allowance; or

(ii) an accidental disability retirement allowance computed in accordance with subsection (b) of this section.

(D) (1) THIS SUBSECTION APPLIES ONLY TO A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO:

(I) IS PROMOTED WITHIN THE DEPARTMENT OF CORRECTIONS TO A POSITION THAT NO LONGER IS ELIGIBLE FOR MEMBERSHIP IN THE CORRECTIONAL OFFICERS' ~~PENSION~~ RETIREMENT SYSTEM AS PROVIDED IN § 25-201 OF THIS ARTICLE;

(II) ELECTS NOT TO TRANSFER THE YEARS OF CREDITABLE SERVICE THE INDIVIDUAL ACCRUED IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM; AND

(III) IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE FROM THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM.

(2) A MEMBER MAY RECEIVE AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE UNDER THIS SECTION IF THE MEMBER:

(I) DOES NOT ELECT TO RECEIVE A VESTED ALLOWANCE FROM THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; AND

(II) TRANSFERS THE MEMBER'S ACCUMULATED CONTRIBUTIONS IN THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM TO THE EMPLOYEES' PENSION SYSTEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005.

Approved April 26, 2005.