

(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A POLICE EMPLOYEE, ON RETIREMENT IN GOOD STANDING, MAY KEEP OR ACQUIRE THE HANDGUN ISSUED BY THE STATE TO THAT POLICE EMPLOYEE IF:

(I) THE POLICE EMPLOYEE REIMBURSES THE DEPARTMENT FOR THE REPLACEMENT VALUE OF THE HANDGUN; AND

(II) THE SECRETARY AUTHORIZES THE TRANSACTION.

(2) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88B, §§ 24A, 15(b)(16) and (d), and the second sentence of § 21.

In subsection (a)(1) of this section, the former cross-reference to "§§ 31 through 37 of this article [former Art. 88B]" is deleted as obsolete. Similarly, in subsection (a)(2) of this section, the former cross-reference to "§ 31(a) of this article" is deleted. Former Art. 88B, §§ 31 to 37 are transferred to the Session Laws. *See* General Revisor's Note to subtitle.

Subsection (a)(2) of this section cross-references § 24-401(c) of the State Personnel and Pensions Article. According to 69 Op. Att'y Gen. 150 (1984), SP § 24-401(c) is in direct conflict with the federal Age Discrimination in Employment Act and, consequently, may not be enforced. The Public Safety Article Review Committee calls this issue to the attention of the General Assembly.

Subsection (b)(1) of this section is revised to cross-reference SP § 29-103 for clarity. Former Art. 88B, § 15(b)(16) and (d) were also revised in SP § 29-103. By cross-referencing that provision in this article, the potential for inconsistent amendments to the two provisions is avoided.

Defined terms: "Department" § 2-101

"Police employee" § 2-101

"Secretary" § 2-101

2-416. SAME — RESIGNATION.

RESIGNATION OF AN EMPLOYEE IS NOT VALID UNTIL ACCEPTED BY THE SECRETARY, BUT THE SECRETARY MAY NOT WITHHOLD ACCEPTANCE UNLESS PROCEEDINGS FOR TERMINATION ARE CONTEMPLATED OR PENDING.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 88B, § 21.

The reference to proceedings for "termination" is substituted for the former reference to proceedings for "discharge" to conform to terminology used in the State Personnel and Pensions Article. *See* Title 11, Subtitle 3 of the State Personnel and Pensions Article.

Defined term: "Secretary" § 2-101