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HOUSE OF REPRESENTATIVES

148th GENERAL ASSEMBLY

HOUSE BILL NO. 363  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5501, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5501. Definitions.

(k) "Specified peace officer" shall mean:

(1) Probation and parole officers employed by the Department of Corrections;

(2) Capitol police officers;

(3) Department of Natural Resources police officers;

(4) University of Delaware Police;

(5) State Fire Marshal officers; and

(6) Division of Alcohol and Tobacco Enforcement agents;

(7) Justice of the Peace Court constables; and

(8) Probation and parole officers in the Serious Juvenile Offender Unit and senior probation officers employed

by the Division of Services for Children, Youth, and their Families.

Section 2. Amend § 5522, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5522. Eligibility for service pension [Effective Jan. 1, 2017]

(a) An employee shall become eligible to receive a service pension, beginning with the month after the employee has terminated employment, if:

(5) The employee has 25 years of credited service, exclusive of service credited under § 5501(e)(4), (5) and (12) of this title, regardless of age, and is a correction officer or specified peace officer. The employee must have 20 years of credited service as a correction officer or specified peace officer.

Section 3. Amend § 5527, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5527. Amount of ordinary service or disability pension. [Effective Jan. 1, 2017]

(a) The amount of the monthly service or disability pension payable to an employee or former employee shall be the sum of 2.0% of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service prior to January 1, 1997, plus 1.85% of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service after December 31, 1996. If the employee is a correction officer or specified peace officer then the amount of pension would also include 2.45% of his or her final average compensation multiplied by years of service above 25 years. The amount payable to a participant who does not make the additional contribution provided in § 5501(j) of this title for years of credited service before 1977 shall be the sum of 2.0% of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service between January 1, 1977, and December 31, 1996, plus 2.0% of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service prior to January 1, 1977, provided that the maximum amount based on the service before 1977 is \$1,000, plus 1.85% of his or her final average compensation multiplied by the number of years, taken to the nearest twelfth of a year, in his or her period of credited service after December 31, 1996.

Section 4. Amend § 5543, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5543. Employee contributions.

(a) (2) The employee contribution for a correction officer or specified peace officer shall be 5% of annual compensation in excess of \$6,000 provided, however, that a correction officer or specified peace officer who is also a post-2011 employee will pay an employee contribution rate of 7% of annual compensation in excess of \$6,000.

Section 5. Sections 1 and 4 of this Act shall take effect on January 1, 2017. Sections 2 and 3 of this Act shall be effective on January 1, 2019.