

EMERGENCY BILL

(PRE-FILED)

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**By: Chairman, Finance Committee (Departmental - State Police, Dept. of)**

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Executive Department - Death Benefits - Sheriff and Deputy Sheriffs of Baltimore City**

3 FOR the purpose of adding the sheriff and deputy sheriffs of Baltimore City to the list of  
4 law enforcement officers on behalf of whom a certain death benefit and certain  
5 funeral expenses shall be paid to certain individuals under certain circumstances;  
6 providing for the application of this Act; making this Act an emergency measure;  
7 and generally relating to the payment of death benefits under the Executive  
8 Department.

9 BY repealing and reenacting, with amendments,  
10 Article 41 - Governor - Executive and Administrative Departments  
11 Section 4-1002  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1996 Supplement)

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

16 **Article 41 - Governor - Executive and Administrative Departments**

17 4-1002.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Law enforcement officer" means:

20 (i) A law enforcement officer as defined in Article 27, § 727 of the  
21 Code;

22 (ii) An officer serving in a probationary status;

23 (iii) An officer who serves at the pleasure of the appointing authority of  
24 a county, incorporated municipality, or Baltimore City;

25 (iv) The security force of the Department of General Services; [and]

26 (v) The special police of the Department of Health and Mental  
27 Hygiene who are commissioned police officers; AND

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1 (VI) A SHERIFF OR DEPUTY SHERIFF OF BALTIMORE CITY.

2 (3) "Children" means any natural, illegitimate, adopted, or posthumous  
3 children or stepchildren of the decedent who are:

4 (i) Eighteen years of age or under; or

5 (ii) Over eighteen years of age and incapable of self-support because  
6 of physical or mental disability.

7 (4) "Correctional officer" means a member of a correctional unit who is  
8 responsible for the investigation, care, custody, control, or supervision of persons  
9 confined to places of incarceration.

10 (5) "Correctional unit" means any State or county governmental  
11 organization which has by statute, ordinance, or court order the responsibility for the  
12 care, control, and supervision of inmates in correctional institutions for persons declared  
13 to be parolees or for persons placed on probation or suspension of sentence.

14 (6) "Stepchild" means a child of the surviving spouse who was living with or  
15 dependent for support on the decedent at the time of his death.

16 (7) "State Fire Marshal" means any sworn member of the Maryland State  
17 Fire Marshal's Office.

18 (b) (1) A death benefit shall be paid to the surviving spouse, children, or  
19 dependent parents of any law enforcement officer of the State or of any political  
20 subdivision of the State, any sheriff or deputy sheriff, any correctional officer, any  
21 volunteer or professional firefighter or rescue squad member or any State Fire Marshal,  
22 who is killed or dies in the performance of duties on or after July 1, 1989. The amount of  
23 the benefit shall be \$50,000.

24 (2) This death benefit shall be in addition to:

25 (i) Any workers' compensation benefits;

26 (ii) The proceeds of any form of life insurance, regardless of who paid  
27 the premiums on the insurance; or

28 (iii) Funeral benefit provided under paragraph (3) of this subsection.

29 (3) (i) Reasonable funeral expenses, not to exceed \$10,000, shall be paid  
30 to the surviving spouse, children, or dependent parents of a law enforcement officer,  
31 correctional officer, volunteer or professional firefighter or rescue squad member, or  
32 State Fire Marshal who is killed or dies in the line of duty.

33 (ii) The funeral benefit provided by this paragraph shall be reduced by  
34 the amount of any related workers' compensation benefits paid under the provisions of §  
35 9-689 of the Labor and Employment Article.

36 (c) The payments for which this section provides shall be made out of funds which  
37 the Governor may appropriate for that purpose in the State budget.

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1 (d) The Secretary of Public Safety and Correctional Services may award a death  
2 benefit under this section under any of the following circumstances provided the decision  
3 is made on a case-by-case basis:

4 (1) If the decedent's death was caused by the decedent's intentional  
5 misconduct;

6 (2) If the decedent intended to bring about the decedent's death; or

7 (3) If the decedent's voluntary intoxication was the proximate cause of the  
8 decedent's death.

9 (e) Upon a determination by the Secretary of the Department of Public Safety  
10 and Correctional Services that the benefits provided for in this section are to be paid,  
11 payment shall be made as follows:

12 (1) To the surviving spouse;

13 (2) If there is no surviving spouse, to the surviving child or children of the  
14 decedent in equal shares; or

15 (3) If there is no surviving spouse, or children, to the surviving parent or  
16 parents, if the parent was a dependent as defined in § 152 of the Internal Revenue Code.

17 (f) (1) Any person aggrieved by a final decision of the Secretary under this  
18 section may apply for judicial review.

19 (2) The appeal shall be made as provided for review of final decisions in  
20 Title 10, Subtitle 2 of the State Government Article of the Code.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
22 funeral benefits for the Sheriff of Baltimore City or any deputy sheriff of Baltimore City  
23 who is killed or dies in the line of duty on or after the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
25 measure, is necessary for the immediate preservation of the public health and safety, has  
26 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
27 each of the two Houses of the General Assembly, and shall take effect from the date it is  
28 enacted.