

HOUSE BILL 615

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2lr1280

By: **Delegate Barnes**

Introduced and read first time: February 6, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumption – Duty Belt**
3 **Worn by Law Enforcement**

4 FOR the purpose of providing that certain paid police officers and certain paid deputy
5 sheriffs are presumed to be suffering from an occupational disease for a lower
6 back impairment under the workers' compensation law under certain
7 circumstances; providing that the presumption shall apply only if the police
8 officers and deputy sheriffs subject to this Act have been employed for a certain
9 period of time and were required, as a condition of employment, to wear a
10 certain duty belt; requiring that the presumption extends to the police officers
11 and deputy sheriffs subject to this Act for a certain period of time following a
12 certain termination of services; providing that the presumption is disputable
13 and may be controverted by other evidence; and generally relating to an
14 occupational disease presumption under the workers' compensation law for a
15 lower back impairment suffered by certain paid police officers and paid deputy
16 sheriffs required to wear a duty belt.

17 BY adding to
18 Article – Labor and Employment
19 Section 9–503(e)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Labor and Employment
24 Section 9–503(e)
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Labor and Employment

9–503.

(E) (1) IN THIS SUBSECTION, “DUTY BELT” MEANS A BELT USED TO HOLD A GUN, HANDCUFFS, BATON, AND OTHER ITEMS RELATED TO LAW ENFORCEMENT.

(2) (I) A PAID POLICE OFFICER EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION, A MUNICIPALITY, OR THE STATE OR A PAID DEPUTY SHERIFF EMPLOYED BY ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY IS PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

1. THE POLICE OFFICER OR DEPUTY SHERIFF IS SUFFERING FROM A LOWER BACK IMPAIRMENT; AND

2. THE LOWER BACK IMPAIRMENT RESULTS IN PARTIAL OR TOTAL DISABILITY.

(II) THE PRESUMPTION UNDER THIS SUBSECTION SHALL APPLY ONLY IF:

1. THE POLICE OFFICER OR DEPUTY SHERIFF HAS BEEN EMPLOYED AT LEAST 5 YEARS AS A POLICE OFFICER ON A REGULAR, FULL–TIME SALARY BY AN AIRPORT AUTHORITY, A COUNTY, THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION, A MUNICIPALITY, OR THE STATE OR AS A DEPUTY SHERIFF ON A REGULAR, FULL–TIME SALARY BY ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY; AND

2. AS A CONDITION OF EMPLOYMENT AS A POLICE OFFICER OR DEPUTY SHERIFF, THE POLICE OFFICER OR DEPUTY SHERIFF WAS REQUIRED TO WEAR A DUTY BELT.

(III) THE PRESUMPTION UNDER THIS SUBSECTION SHALL BE EXTENDED TO A POLICE OFFICER OR DEPUTY SHERIFF FOLLOWING THE TERMINATION OF SERVICE FOR 3 CALENDAR MONTHS FOR EACH FULL YEAR OF SERVICE AS A POLICE OFFICER OR DEPUTY SHERIFF, BUT NOT TO EXCEED 60

1 MONTHS, COMMENCING WITH THE LAST DATE THE POLICE OFFICER OR DEPUTY
2 SHERIFF WORKED AS A POLICE OFFICER OR DEPUTY SHERIFF.

3 (IV) THE PRESUMPTION UNDER THIS SUBSECTION IS
4 DISPUTABLE AND MAY BE CONTROVERTED BY OTHER EVIDENCE.

5 [(e)](F) (1) Except as provided in paragraph (2) of this subsection, any
6 paid firefighter, paid fire fighting instructor, sworn member of the Office of the State
7 Fire Marshal, paid police officer, paid law enforcement employee of the Department of
8 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or
9 employee of the Maryland–National Capital Park and Planning Commission, deputy
10 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County
11 correctional officer, deputy sheriff of Prince George’s County, or Prince George’s
12 County correctional officer who is eligible for benefits under subsection (a), (b), (c), [or]
13 (d), OR (E) of this section or the dependents of those individuals shall receive the
14 benefits in addition to any benefits that the individual or the dependents of the
15 individual are entitled to receive under the retirement system in which the individual
16 was a participant at the time of the claim.

17 (2) The benefits received under this title shall be adjusted so that the
18 weekly total of those benefits and retirement benefits does not exceed the weekly
19 salary that was paid to the paid law enforcement employee of the Department of
20 Natural Resources, a park police officer or employee of the Maryland–National Capital
21 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of
22 the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George’s
23 County or Montgomery County correctional officer.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2012.