

# HOUSE BILL 957

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HB 416/13 – ECM

5lr2497

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By: **Delegates Folden and Cluster**  
Introduced and read first time: February 13, 2015  
Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumption – Duty Belt Worn**  
3 **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  
6 lower-back impairment under the workers' compensation law under certain  
7 circumstances; providing that the presumption shall apply only if the police officers  
8 and deputy sheriffs subject to this Act have been employed for a certain period of  
9 time and were required, as a condition of employment, to wear a certain duty belt;  
10 requiring that the presumption extends to the police officers and deputy sheriffs  
11 subject to this Act for a certain period of time following a certain termination of  
12 service; and generally relating to an occupational disease presumption under the  
13 workers' compensation law for a lower-back impairment suffered by certain paid  
14 police officers and paid deputy sheriffs required to wear a duty belt.

15 BY adding to  
16 Article – Labor and Employment  
17 Section 9–503(e)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Labor and Employment  
22 Section 9–503(e)  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2014 Supplement)

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

27 **Article – Labor and Employment**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 9-503.

2 (E) (1) IN THIS SUBSECTION, "DUTY BELT" MEANS A BELT USED TO HOLD  
3 A GUN, HANDCUFFS, A BATON, AND ANY OTHER ITEMS RELATED TO LAW  
4 ENFORCEMENT.

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

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

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

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

18 1. THE POLICE OFFICER OR DEPUTY SHERIFF HAS BEEN  
19 EMPLOYED AT LEAST 15 YEARS AS A POLICE OFFICER ON A REGULAR, FULL-TIME  
20 SALARY BY AN AIRPORT AUTHORITY, A COUNTY, THE MARYLAND-NATIONAL  
21 CAPITAL PARK AND PLANNING COMMISSION, A MUNICIPALITY, OR THE STATE OR  
22 AS A DEPUTY SHERIFF ON A REGULAR, FULL-TIME SALARY BY ALLEGANY COUNTY,  
23 ANNE ARUNDEL COUNTY, BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE  
24 GEORGE'S COUNTY; AND

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

28 (III) THE PRESUMPTION UNDER THIS SUBSECTION SHALL BE  
29 EXTENDED TO A POLICE OFFICER OR DEPUTY SHERIFF FOLLOWING THE  
30 TERMINATION OF SERVICE FOR 60 MONTHS, COMMENCING WITH THE LAST DATE  
31 THE POLICE OFFICER OR DEPUTY SHERIFF WORKED AS A POLICE OFFICER OR  
32 DEPUTY SHERIFF.

33 [(e)](F) (1) Except as provided in paragraph (2) of this subsection, any paid  
34 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire

1 Marshal, paid police officer, paid law enforcement employee of the Department of Natural  
2 Resources, deputy sheriff of Anne Arundel County, park police officer or employee of the  
3 Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery  
4 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy  
5 sheriff of Prince George’s County, or Prince George’s County correctional officer who is  
6 eligible for benefits under subsection (a), (b), (c), [or] (d), **OR (E)** of this section or the  
7 dependents of those individuals shall receive the benefits in addition to any benefits that  
8 the individual or the dependents of the individual are entitled to receive under the  
9 retirement system in which the individual was a participant at the time of the claim.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2015.