

SENATE BILL 850

P4

4lr3154

By: **Senator Corderman**

Introduced and read first time: February 2, 2024

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 26, 2024

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Line-of-Duty Death and Funeral Benefits**

3 FOR the purpose of increasing the maximum amount of funeral expenses that may be
4 provided for a line-of-duty death of certain public safety officers and indexing the
5 benefit to inflation; repealing an offset against certain funeral expenses for the
6 line-of-duty death of certain public safety officers; increasing the maximum amount
7 of line-of-duty death benefits for State employees and indexing the benefit to
8 inflation; providing a funeral expense benefit for a line-of-duty death for State
9 employees and indexing the benefit to inflation; providing for the retroactive
10 application of this Act for certain deaths occurring before the effective date of this
11 Act; and generally relating to line-of-duty death and funeral benefits for State
12 employees.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 1–202(d)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Personnel and Pensions
20 Section 10–401
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – State Personnel and Pensions
3 Section 10–404
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2023 Supplement)

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

8 **Article – Public Safety**

9 1–202.

10 (d) (1) Except as provided in subsection (j) of this section, reasonable funeral
11 expenses, not exceeding **[\$10,000] \$25,000**, shall be paid to the surviving spouse, child,
12 parent, or estate of each of the following individuals who is killed or dies in the performance
13 of duties:

14 (i) a law enforcement officer;

15 (ii) a correctional officer;

16 (iii) a volunteer or career firefighter or rescue squad member;

17 (iv) a public safety aviation employee;

18 (v) a sworn member of the office of State Fire Marshal; or

19 (vi) a hazardous material response team employee.

20 (2) **[The funeral benefit under this subsection shall be reduced by the**
21 **amount of any related workers' compensation benefits paid under § 9–689 of the Labor and**
22 **Employment Article] FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,**
23 **THE FUNERAL BENEFIT PROVIDED IN THE PRIOR FISCAL YEAR SHALL BE ADJUSTED**
24 **BY ANY CHANGE IN THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE**
25 **CONSUMER PRICE INDEX (ALL URBAN CONSUMERS – UNITED STATES CITY**
26 **AVERAGE – ALL ITEMS), AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR**
27 **STATISTICS.**

28 **Article – State Personnel and Pensions**

29 10–401.

30 (a) Except as provided in subsection (b) of this section and § 10–404 of this
31 subtitle, this subtitle applies to all employees of all units in the Executive Branch of State
32 government.

1 (b) Except as provided in § 10–404 of this subtitle, this subtitle does not apply to
2 a unit with an independent personnel system.

3 10–404.

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

5 (2) “Child” means any natural, adopted, or posthumous child, or stepchild,
6 or the decedent who is:

7 (i) 18 years of age or under; or

8 (ii) over 18 years of age and incapable of self–support because of a
9 physical or mental disability.

10 (3) “Stepchild” means any child of the surviving spouse who was living with
11 or dependent for support on the decedent at the time of death.

12 (4) **“UNIT OF STATE GOVERNMENT” MEANS A UNIT OF STATE**
13 **GOVERNMENT IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCHES OF**
14 **STATE GOVERNMENT.**

15 (b) This section applies to all:

16 (1) employees in the State Personnel Management System;

17 (2) employees in any other authorized personnel system established for a
18 unit of State government; and

19 (3) members of the Maryland National Guard serving on orders issued in
20 accordance with Title 13 of the Public Safety Article or Title 32 of the United States Code.

21 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a death
22 benefit in the amount of [~~\$100,000~~] **\$125,000** shall be paid to the surviving spouse,
23 children, or dependent parents of any employee subject to this section who is killed in the
24 performance of duties on or after July 1, 2000.

25 (ii) A death benefit may not be paid under this paragraph if an
26 employee is killed as a result of the employee’s negligence.

27 (iii) A death benefit may not be paid under this paragraph if a
28 member of the Maryland National Guard who is killed in the performance of duties is
29 eligible to receive dependency and indemnity compensation under rules prescribed by the
30 United States Department of Veterans Affairs.

31 (2) (i) A death benefit in the amount of \$50,000 shall be paid to the

1 surviving spouse, children, or dependent parents of any State employee covered by the
2 provisions of § 1–202 of the Public Safety Article who is killed in the performance of duties
3 on or after July 1, 2000.

4 (ii) A death benefit may not be paid under this paragraph if an
5 employee is killed as a result of the employee's negligence.

6 (iii) An individual who receives a death benefit under this paragraph
7 may not also receive a death benefit under paragraph (1) of this subsection.

8 (3) A death benefit under this section shall be in addition to any:

9 (i) workers' compensation benefits;

10 (ii) proceeds of any form of life insurance, regardless of who paid the
11 premiums on the insurance;

12 (iii) benefit provided to a State employee covered by the provisions of
13 § 1–202 of the Public Safety Article; and

14 (iv) except as provided in paragraph (1)(iii) of this subsection,
15 benefits paid to a member of the Maryland National Guard, the member's estate, or the
16 member's beneficiaries or survivors by the United States.

17 **(4) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,**
18 **THE DEATH BENEFITS PROVIDED UNDER THIS SUBSECTION IN THE PRIOR FISCAL**
19 **YEAR SHALL BE ADJUSTED BY ANY CHANGE IN THE CALENDAR YEAR PRECEDING**
20 **THE FISCAL YEAR IN THE CONSUMER PRICE INDEX (ALL URBAN**
21 **CONSUMERS – UNITED STATES CITY AVERAGE – ALL ITEMS), AS PUBLISHED BY THE**
22 **UNITED STATES BUREAU OF LABOR STATISTICS.**

23 **(D) (1) REASONABLE FUNERAL EXPENSES, NOT EXCEEDING \$25,000,**
24 **SHALL BE PAID TO THE SURVIVING SPOUSE, CHILD, OR PARENT OR THE ESTATE OF**
25 **ANY EMPLOYEE SUBJECT TO THIS SECTION WHO IS KILLED OR DIES IN THE**
26 **PERFORMANCE OF DUTIES.**

27 **(2) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,**
28 **THE FUNERAL BENEFIT PROVIDED IN THE PRIOR FISCAL YEAR SHALL BE ADJUSTED**
29 **BY ANY CHANGE IN THE CALENDAR YEAR PRECEDING THE FISCAL YEAR IN THE**
30 **CONSUMER PRICE INDEX (ALL URBAN CONSUMERS – UNITED STATES CITY**
31 **AVERAGE – ALL ITEMS), AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR**
32 **STATISTICS.**

33 **[(d)] (E) (1) On notification by the head of the unit that employed the**
34 **decedent, the Secretary shall determine whether a death benefit will be paid under this**

1 section.

2 (2) If the Secretary determines that a death benefit is payable, payment
3 shall be made:

4 (i) to the surviving spouse;

5 (ii) if there is no surviving spouse, to the surviving children, in equal
6 shares; or

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

9 **[(e)] (F)** A death benefit under this section shall be paid out of funds which the
10 Governor may appropriate for that purpose in the State budget.

11 **[(f)] (G)** A decision of the Secretary under this section:

12 (1) is the final administrative decision; and

13 (2) is not subject to appeal under Title 10, Subtitle 2 of the State
14 Government Article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) This section applies to an employee of the State who is killed in the
17 performance of duties on or after January 1, 2023.

18 (b) (1) On or before December 31, 2024, the surviving spouse, children, or
19 dependent parent of an individual described in subsection (a) of this section may request
20 the Secretary of Budget and Management to award the surviving spouse, children, or
21 dependent parent, death and funeral benefits under § 10–404 of the State Personnel and
22 Pensions Article, as enacted by Section 1 of this Act.

23 (2) On receipt of a request to receive death and funeral benefits under
24 paragraph (1) of this subsection, when the Secretary of Budget and Management receives
25 proof of death of the individual described under subsection (a) of this section and finds that
26 the death occurred in the manner described in § 10–404 of the State Personnel and Pensions
27 Article, as enacted by Section 1 of this Act, the Secretary shall administer the death and
28 funeral benefits as required under § 10–404 of the State Personnel and Pensions Article,
29 as enacted by Section 1 of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
31 1, 2024.