

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1389
Appropriations

(Delegate Lehman)

Public Safety Officer - Performance of Duties - Death Benefit

This bill alters provisions relating to eligibility for a public safety death benefit award for an individual who dies by suicide. Specifically, the bill (1) repeals the authorization for the Secretary of Public Safety and Correctional Services to, on a case-by-case basis, award a public safety death benefit if the decedent intended to bring about the decedent's death and (2) specifies that an individual who dies by suicide is presumed to have died as a direct and proximate result of an injury sustained in the performance of duties if the individual was diagnosed by a licensed medical or mental health professional with post-traumatic stress disorder, acute stress disorder, or a trauma- and stress-related disorder and the diagnosis resulted due to the nature and performance of the individual's duties.

Fiscal Summary

State Effect: The bill likely applies in a limited number of instances and is not expected to result in a significant increase in general fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) to make death benefit payments, as discussed below. Revenues are not affected. **This bill modifies an existing entitlement program.**

Local Effect: Local government operations and finances are not affected.

Small Business Effect: None.

Analysis

Current Law: DPSCS is required to pay a death benefit to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties: (1) a law enforcement officer; (2) a correctional officer; (3) a

volunteer or career firefighter or rescue squad member; (4) a sworn member of the Office of the State Fire Marshal; (5) a public safety aviation employee; (6) a Maryland resident who was a member of the uniformed services of the United States serving in the Afghanistan or Iraq conflict; or (7) a hazardous material response team employee of the Maryland Department of the Environment. With the exception of a member of the uniformed services serving in Afghanistan or Iraq, reasonable funeral expenses up to \$10,000 must also be paid.

Generally, an application for a death benefit must be submitted within three years after the death of the decedent. Beginning in fiscal 2009, the \$125,000 death benefit is adjusted annually by the Consumer Price Index (CPI).

On a case-by-case basis, the Secretary of Public Safety and Correctional Services may award a death benefit under these provisions if (1) the decedent's death was caused by the decedent's intentional misconduct; (2) the decedent intended to bring about the decedent's death; (3) the decedent's voluntary intoxication was the proximate cause of the decedent's death; or (4) additional evidence arises that the decedent's death resulted from an act committed against the decedent by another due to the nature and performance of the decedent's duties.

A death benefit under these provisions is in addition to (1) any workers' compensation benefits; (2) the proceeds of any form of life insurance, regardless of who paid the premiums; and (3) the funeral benefit provided under these provisions. The funeral benefit must be reduced by the amount of any related workers' compensation benefits paid under specified provisions of the Labor and Employment Article.

Payments of death or funeral benefits must be made out of money that the Governor includes for that purpose in the State budget.

State Expenditures: In recent fiscal years, the State budget has included \$850,000 in general funds annually for the death benefit, and the fiscal 2025 budget as introduced includes \$850,000 in general funds for this purpose; budget amendments are processed as needed to fund the benefit for all eligible persons. With required CPI adjustments, the death benefit for each eligible person is expected to be \$188,972 in fiscal 2025, increasing to \$207,474 by fiscal 2029.

DPSCS advises that in fiscal 2023, two applications for death benefits were declined because the deaths were not considered to be in the line of duty under current statute. Although it is not clear if those deaths would be eligible for death benefits under the bill's changes, for every award made due to the bill – and for which the Secretary would not otherwise make using its authority under current law to award a death benefit to individuals who die by suicide on a case-by-case basis – general fund expenditures increase by

\$188,972 in fiscal 2025, and by higher amounts in future years due to the CPI adjustment. Nevertheless, this analysis assumes that the bill applies in only a limited number of instances; accordingly, the bill is not expected to significantly affect death benefit payments made by DPSCS.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Budget and Management; Department of Public Safety and Correctional Services; Office of Administrative Hearings; Department of Legislative Services

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km/lgc

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