

EMERGENCY BILL

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

Introduced and read first time: February 2, 1996

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Executive Department - Funeral Benefits**

3 FOR the purpose of adding the benefit of payment of funeral expenses for a law  
4 enforcement officer, correctional officer, firefighter, or rescue squad member killed  
5 in the line of duty; generally relating to the payment of a funeral expense allowance  
6 under the Executive Department; and making this Act an emergency measure.

7 BY repealing and reenacting, with amendments,  
8 Article 41 - Governor - Executive and Administrative Departments  
9 Section 4-1002  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 1995 Supplement)

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

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

15 4-1002.

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

17 (2) "Law enforcement officer" means:

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

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

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

23 (iv) The security force of the Department of General Services; and

24 (v) The special police of the Department of Health and Mental  
25 Hygiene who are commissioned police officers.

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

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

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

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

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

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

13 (7) "State fire marshal" means any sworn member of the MarylandState  
14 Fire Marshal's Office.

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

21 (2) This [sum] DEATH BENEFIT shall be in addition to:

22 (i) Any workers' compensation benefits; [or]

23 (ii) The proceeds of any form of life insurance, regardless of who paid  
24 the premiums on the insurance; OR

25 (III) FUNERAL BENEFIT PROVIDED UNDER PARAGRAPH (3) OF THIS  
26 SUBSECTION.

27 (3) (I) REASONABLE FUNERAL EXPENSES, NOT TO EXCEED \$10,000,  
28 SHALL BE PAID TO THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS  
29 OF A LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, VOLUNTEER OR  
30 PROFESSIONAL FIREFIGHTER OR RESCUE SQUAD MEMBER, OR STATE FIRE  
31 MARSHAL WHO IS KILLED OR DIES IN THE LINE OF DUTY.

32 (II) THE FUNERAL BENEFIT PROVIDED BY THIS PARAGRAPH  
33 SHALL BE REDUCED BY THE AMOUNT OF ANY RELATED WORKERS' COMPENSATION  
34 BENEFITS PAID UNDER THE PROVISIONS OF § 9-689 OF THE LABOR AND  
35 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 [benefit] BENEFITS provided for in this section [is]  
11 ARE to be paid, 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 any law enforcement officer, correctional officer, volunteer or  
23 professional firefighter or rescue squad member, or State fire marshal who is killed or  
24 dies in the line of duty on or after the effective date of this Act.

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