

EMERGENCY BILL

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6lr2174

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

Introduced and read first time: February 2, 1996

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 1996

CHAPTER _____

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;

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (III) FUNERAL BENEFIT PROVIDED UNDER PARAGRAPH (3) OF THIS
31 SUBSECTION.

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

37 (II) THE FUNERAL BENEFIT PROVIDED BY THIS PARAGRAPH
38 SHALL BE REDUCED BY THE AMOUNT OF ANY RELATED WORKERS' COMPENSATION

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1 BENEFITS PAID UNDER THE PROVISIONS OF § 9-689 OF THE LABOR AND
2 EMPLOYMENT ARTICLE.

3 (c) The payments for which this section provides shall be made out of funds which
4 the Governor may appropriate for that purpose in the State budget.

5 (d) The Secretary of Public Safety and Correctional Services may award a death
6 benefit under this section under any of the following circumstances provided the decision
7 is made on a case-by-case basis:

8 (1) If the decedent's death was caused by the decedent's intentional
9 misconduct;

10 (2) If the decedent intended to bring about the decedent's death; or

11 (3) If the decedent's voluntary intoxication was the proximate cause of the
12 decedent's death.

13 (e) Upon a determination by the Secretary of the Department of Public Safety
14 and Correctional Services that the [benefit] BENEFITS provided for in this section [is]
15 ARE to be paid, payment shall be made as follows:

16 (1) To the surviving spouse;

17 (2) If there is no surviving spouse, to the surviving child or children of the
18 decedent in equal shares; or

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

21 (f) (1) Any person aggrieved by a final decision of the Secretary under this
22 section may apply for judicial review.

23 (2) The appeal shall be made as provided for review of final decisions in
24 Title 10, Subtitle 2 of the State Government Article of the Code.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
26 funeral benefits for any law enforcement officer, correctional officer, volunteer or
27 professional firefighter or rescue squad member, or State fire marshal who is killed or
28 dies in the line of duty on or after the effective date of this Act.

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

