
By: Delegates M. Burns and D. Murphy

Introduced and read first time: January 30, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety Personnel - Death Benefits**

3 FOR the purpose of increasing the amount of death benefits paid to the surviving
4 spouses, children, or dependent children of certain law enforcement officers,
5 sheriffs, deputy sheriffs, correctional officers, volunteer or professional firefighters
6 or rescue squad members, and members of State Fire Marshal's office who are
7 killed or die in the performance of duties; and generally relating to death benefits
8 paid to the surviving spouses, children, or dependent children of certain individuals.

9 BY repealing and reenacting, with amendments,
10 Article 41 - Governor - Executive and Administrative Departments
11 Section 4-1002
12 Annotated Code of Maryland
13 (1993 Replacement Volume and 1996 Supplement)

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

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

17 4-1002.

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

19 (2) "Law enforcement officer" means:

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

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

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

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

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

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

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

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

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

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

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

15 (7) "State Fire Marshal" means any sworn member of the Maryland State
16 Fire Marshal's Office.

17 (b) (1) A death benefit shall be paid to the surviving spouse, children, or
18 dependent parents of any law enforcement officer of the State or of any political
19 subdivision of the State, any sheriff or deputy sheriff, any correctional officer, any
20 volunteer or professional firefighter or rescue squad member or any State fire marshal,
21 who is killed or dies in the performance of duties on or after July 1, 1989. The amount of
22 the benefit shall be [\$50,000] \$100,000.

23 (2) This death benefit shall be in addition to:

24 (i) Any workers' compensation benefits;

25 (ii) The proceeds of any form of life insurance, regardless of who paid
26 the premiums on the insurance; or

27 (iii) Funeral benefit provided under paragraph (3) of this subsection.

28 (3) (i) Reasonable funeral expenses, not to exceed \$10,000, shall be paid
29 to the surviving spouse, children, or dependent parents of a law enforcement officer,
30 correctional officer, volunteer or professional firefighter or rescue squad member, or
31 State Fire Marshal who is killed or dies in the line of duty.

32 (ii) The funeral benefit provided by this paragraph shall be reduced by
33 the amount of any related workers' compensation benefits paid under the provisions of §
34 9-689 of the Labor and Employment Article.

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

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

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

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

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

6 (e) Upon a determination by the Secretary of the Department of Public Safety
7 and Correctional Services that the benefits provided for in this section are to be paid,
8 payment shall be made as follows:

9 (1) To the surviving spouse;

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1997.