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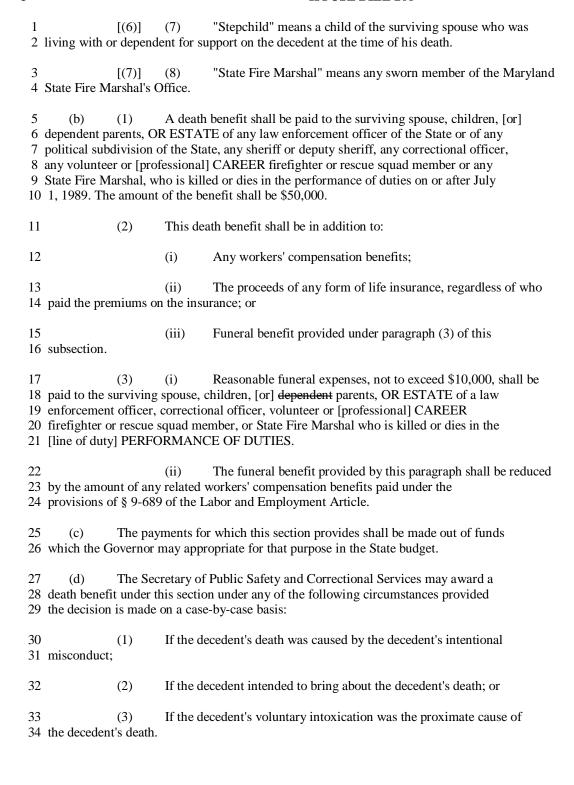
By: The Speaker (Administration) and Delegates Conway, Malone, Linton, Bozman, Moe, Guns, W. Baker, Rudolph, Slade, Wood, V. Mitchell, Stull, and Owings Introduced and read first time: January 28, 1998 Assigned to: Appropriations Committee Report: Favorable with amendments House action: Adopted Read second time: March 27, 1998 CHAPTER 1 AN ACT concerning 2 **Public Safety and Emergency Services Personnel - Death Benefits** FOR the purpose of requiring the State to pay a certain amount of death benefits and 3 funeral benefits if a firefighter or rescue squad member is killed or dies under 4 5 certain circumstances; requiring certain death benefits and funeral benefits to be paid to certain children, parents, or the estate of certain public safety and 6 emergency services personnel under certain circumstances; defining certain 7 terms; making stylistic changes; providing for the application of this Act; and 8 9 generally relating to death benefits for public safety and emergency services 10 personnel. 11 BY repealing and reenacting, with amendments, 12 Article 41 - Governor - Executive and Administrative Departments 13 Section 4-1002 14 Annotated Code of Maryland (1997 Replacement Volume and 1997 Supplement) 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 17 MARYLAND, That the Laws of Maryland read as follows: 18 Article 41 - Governor - Executive and Administrative Departments

In this section the following words have the meanings indicated.

## **HOUSE BILL 268**

1	(2)	"Law enforcement officer" means:	
2 3	Code;	(i)	A law enforcement officer as defined in Article 27, § 727 of the
4		(ii)	An officer serving in a probationary status;
5 6	authority of a county,	(iii) incorpora	An officer who serves at the pleasure of the appointing ated municipality, or Baltimore City;
7		(iv)	The security force of the Department of General Services;
8 9	Hygiene who are com	(v) missione	The special police of the Department of Health and Mental d police officers; and
10		(vi)	A sheriff or deputy sheriff of Baltimore City.
11 12	(3) "Children" means any natural, illegitimate, adopted, or posthumous children or stepchildren of the decedent who are:		
13		<del>(i)</del>	Eighteen years of age or under; or
14 15	because of physical o	<del>(ii)</del> or mental	Over eighteen years of age and incapable of self-support disability.
16 17 18	(4) "Correctional officer" means a member of a correctional unit who is responsible for the investigation, care, custody, control, or supervision of persons confined to places of incarceration.		
21	(5) "Correctional unit" means any State or county governmental organization which has by statute, ordinance, or court order the responsibility for the care, control, and supervision of inmates in correctional institutions for persons declared to be parolees or for persons placed on probation or suspension of sentence.		
23 24	(6) VOLUNTEER OR C		ORMANCE OF DUTIES" INCLUDES, IN THE CASE OF A FIREFIGHTER OR RESCUE SQUAD MEMBER:
25 26	GOING TO OR FRO	(I) OM A FIR	ACTIVELY PARTICIPATING IN FIGHTING A FIRE OR WHILE E;
27 28	OR MAINTENANC	(II) E OF TH	PERFORMING OTHER DUTIES NECESSARY TO THE OPERATION E FIRE COMPANY;
31		SUPPOR	ACTIVELY PARTICIPATING IN THE AMBULANCE, ADVANCED E WORK OF A FIRE, AMBULANCE, OR RESCUE COMPANY OR IT UNIT, INCLUDING GOING TO OR FROM THE SCENE OF AN AND
			PROVIDING EMERGENCY OR RESCUE ASSISTANCE, WHETHER E DIRECTION OF OR WITH A FIRE, AMBULANCE, OR RESCUE D LIFE SUPPORT UNIT.

## **HOUSE BILL 268**



## **HOUSE BILL 268**

- 1 (e) Upon a determination by the Secretary of the Department of Public Safety 2 and Correctional Services that the benefits provided for in this section are to be paid, 3 payment shall be made as follows: 4 (1) To the surviving spouse; (2) If there is no surviving spouse, to the surviving child or children of 6 the decedent in equal shares; [or] 7 If there is no surviving spouse, or children, to the surviving parent or 8 parents, if the parent was a dependent as defined in § 152 of the Internal Revenue 9 Code; OR IF THERE IS NO SURVIVING SPOUSE, CHILDREN, OR DEPENDENT 10 (4) 11 PARENTS, TO THE ESTATE OF THE DECEDENT. 12 (f) (1) Any person aggrieved by a final decision of the Secretary under this 13 section may apply for judicial review. 14 The appeal shall be made as provided for review of final decisions in (2) 15 Title 10, Subtitle 2 of the State Government Article of the Code. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 16
- 17 effect July 1, 1998 and shall be applicable to any law enforcement officer, sheriff or
- 18 deputy sheriff, correctional officer, volunteer or career firefighter or rescue squad
- 19 member, or State Fire Marshal who is killed or dies in the performance of duties on or
- 20 after January July 1, 1996.