

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE  
Revised

House Bill 268 (The Speaker. *et al.*)  
(Administration)

Appropriations

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**Public Safety and Emergency Services Personnel - Death Benefits**

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This Administration bill requires State payment of death benefits (\$50,000) and funeral benefits (\$10,000) if a volunteer or career firefighter or rescue squad member is killed or dies while in the “performance of duties”, as defined. In addition, the bill alters provisions relating to the payment of those benefits by: (1) adding the “estate” of an entitled decedent as an entity that must receive each of the benefits; (2) replacing the term “professional” as a description of entitled firefighters with the term “career”; (3) replacing reference to “line of duty” with “performance of duties”; and (4) eliminating specified age and dependency requirements for beneficiaries who are children or parents of the decedent.

The bill is effective July 1, 1998, and is applied to deaths occurring on or after July 1, 1996.

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**Fiscal Summary**

**State Effect:** Potential indeterminate increase on general fund expenditures for the Department of Public Safety and Correctional Services (DPSCS). Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration’s assessment becomes available.

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## Fiscal Analysis

**State Expenditures:** Death and funeral benefits are paid by the DPSCS out of general funds appropriated for this purpose. The number of such annual death and funeral benefit payments made in recent years has been between five and seven. However, since this bill's definition of "performance of duty" appears broader than the current law reference to the "line of duty" which is not defined, this bill expands the circumstances under which there would be an entitlement to each of these benefits.

In addition, inclusion of the "estate" of public safety and emergency services personnel as a potential beneficiary, and the repeal of age and dependency requirements, eliminates most instances of non-payment of each of these benefits due to there being no surviving spouse, children, or parents. This, too, broadens the circumstances under which these benefits may be paid.

DPSCS reports that only two requests for benefits have been rejected in recent memory, but is unable to determine the basis upon which they were denied. DPSCS also advises that there is no way to tell, historically, the extent to which there was no application for benefits from a local jurisdiction out of a belief that denial was likely due to the more narrow construction of the current statute.

Accordingly, while this bill would potentially increase payments of death benefits and funeral benefits by DPSCS, it would be only to the extent that deaths of entitled public safety or emergency services personnel would occur in circumstances newly covered by this bill. It is not possible to reliably predict the extent to which this may occur, and benefit payments would thereby increase.

Legislative Services is aware of only one case that would be affected by the bill's retroactive provision. The extent to which any additional benefit payments would be made for deaths occurring since July 1, 1996, is dependent upon actual applications for benefits.

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**Information Source(s):** Office of the Governor, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 1998  
nncs Revised - House Third Reader - April 1, 1998

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