
By: **Delegates Kittleman and Klima**
Introduced and read first time: February 7, 2001
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Temporary Partial and Temporary Total Disability**
3 **Compensation - Incarceration**

4 FOR the purpose of providing that an employer is not liable for the payment of
5 temporary total disability compensation or temporary partial disability
6 compensation under the State's workers' compensation laws in weeks when the
7 covered employee to whom benefits otherwise would be due is incarcerated;
8 prohibiting a covered employee to whom compensation is not paid from claiming
9 compensation for the weeks of incarceration after the employee is released from
10 incarceration; and providing for the application of this Act.

11 BY adding to
12 Article - Labor and Employment
13 Section 9-616
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Labor and Employment
18 Section 9-621
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

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

23 **Article - Labor and Employment**

24 9-616.

25 (A) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY
26 PARTIAL DISABILITY COMPENSATION UNDER THIS SECTION TO A COVERED
27 EMPLOYEE WHO IS INCARCERATED DUE TO A CONVICTION FOR A FELONY OR A
28 MISDEMEANOR.

1 (B) THIS SECTION APPLIES IN ALL WEEKS IN WHICH THE COVERED
2 EMPLOYEE IS INCARCERATED.

3 (C) A COVERED EMPLOYEE TO WHOM COMPENSATION IS NOT PAID UNDER
4 THIS SECTION MAY NOT CLAIM COMPENSATION FOR THE WEEKS OF INCARCERATION
5 AFTER THE EMPLOYEE IS RELEASED FROM INCARCERATION.

6 9-621.

7 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
8 employee is temporarily totally disabled due to an accidental personal injury or an
9 occupational disease, the employer or its insurer shall pay the covered employee
10 compensation that equals two-thirds of the average weekly wage of the covered
11 employee, but:

12 (i) does not exceed the average weekly wage of the State; and

13 (ii) is not less than \$50.

14 (2) If the average weekly wage of the covered employee is less than \$50
15 at the time of the accidental personal injury or the last injurious exposure to the
16 hazards of the occupational disease, the employer or its insurer shall pay the covered
17 employee compensation that equals the average weekly wage of the covered
18 employee.

19 (b) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
20 employer or its insurer shall pay the compensation for the period that the covered
21 employee is temporarily totally disabled.

22 (C) (1) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY
23 TOTAL DISABILITY COMPENSATION UNDER THIS SECTION TO A COVERED EMPLOYEE
24 WHO IS INCARCERATED DUE TO A CONVICTION FOR A FELONY OR A MISDEMEANOR.

25 (2) THIS SUBSECTION APPLIES IN ALL WEEKS IN WHICH THE COVERED
26 EMPLOYEE IS INCARCERATED.

27 (3) A COVERED EMPLOYEE TO WHOM COMPENSATION IS NOT PAID
28 UNDER THIS SUBSECTION MAY NOT CLAIM COMPENSATION FOR THE WEEKS OF
29 INCARCERATION AFTER THE EMPLOYEE IS RELEASED FROM INCARCERATION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001, and shall apply to the payment of any temporary partial or
32 temporary total disability compensation due on or after October 1, 2001.