

---

By: **Chairman, Appropriations Committee (Departmental - Budget and Management)**

Introduced and read first time: February 7, 2001

Assigned to: Appropriations

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Law Enforcement Officers - Death Benefits**

3 FOR the purpose of providing for a certain death benefit for certain State employees  
4 who are killed in the performance of their duties on or after a certain date.

5 BY repealing and reenacting, with amendments,  
6 Article - State Personnel and Pensions  
7 Section 10-404  
8 Annotated Code of Maryland  
9 (1997 Replacement Volume and 2000 Supplement)

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

12 **Article - State Personnel and Pensions**

13 10-404.

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

15 (2) "Child" means any natural, adopted, or posthumous child, or  
16 stepchild, or the decedent who is:

17 (i) 18 years of age or under; or

18 (ii) over 18 years of age and incapable of self-support because of a  
19 physical or mental disability.

20 (3) "Stepchild" means any child of the surviving spouse who was living  
21 with or dependent for support on the decedent at the time of death.

22 (b) [(1) Except as provided in paragraph (2) of this subsection, this] THIS  
23 section applies to all employees in:

24 [(i)] (1) the State Personnel Management System; and

1                    [(ii)]    (2)    any other authorized personnel system established for a  
2 unit of State government.

3                    [(2)]    This section does not apply to an employee covered by the provisions  
4 of Article 41, § 4-1002 of the Code.]

5            (c)    (1)    (i)    [As provided in this section, a] A death benefit in the amount of  
6 \$100,000 shall be paid to the surviving spouse, children, or dependent parents of any  
7 employee subject to this section who is killed in the performance of duties on or after  
8 July 1, 2000.

9                    (ii)    A death benefit may not be paid under this section if an  
10 employee is killed as a result of the employee's negligence.

11                    (2)    A DEATH BENEFIT IN THE AMOUNT OF \$50,000 SHALL BE PAID TO  
12 THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS OF ANY STATE  
13 EMPLOYEE COVERED BY THE PROVISIONS OF ARTICLE 41, § 4-1002 OF THE CODE WHO  
14 IS KILLED IN THE PERFORMANCE OF DUTIES ON OR AFTER JULY 1, 2000.

15                    [(2)]    (3)    A death benefit under this section shall be in addition to any:

16                    (i)    workers' compensation benefits; [and]

17                    (ii)    proceeds of any form of life insurance, regardless of who paid  
18 the premiums on the insurance; AND

19                    (III)    BENEFIT PROVIDED TO A STATE EMPLOYEE COVERED BY THE  
20 PROVISIONS OF ARTICLE 41, § 4-1002 OF THE CODE.

21            (d)    (1)    On notification by the head of the unit that employed the decedent,  
22 the Secretary shall determine whether a death benefit will be paid under this section.

23                    (2)    If the Secretary determines that a death benefit is payable, payment  
24 shall be made:

25                    (i)    to the surviving spouse;

26                    (ii)    if there is no surviving spouse, to the surviving children, in  
27 equal shares; or

28                    (iii)    if there is no surviving spouse or children, to the surviving  
29 parent or parents, if the parent was a dependent as defined in § 152 of the Internal  
30 Revenue Code.

31            (e)    A death benefit under this section shall be paid out of funds which the  
32 Governor may appropriate for that purpose in the State budget.

33            (f)    A decision of the Secretary under this section:

34                    (1)    is the final administrative decision; and

1           (2)       is not subject to appeal under Title 10, Subtitle 2 of the State  
2 Government Article.

3       SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this  
4 Act shall be construed retroactively and applied to any State employee covered by the  
5 provisions of Article 41, § 4-1002 of the Code who dies on or after July 1, 2000.

6       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect July 1, 2001.