
By: **Chairman, Appropriations Committee**
Rules suspended
Introduced and read first time: March 11, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Pension System and State Police Retirement**
3 **System - Special Death Benefits**

4 FOR the purpose of altering the formula for computing the retirement allowance to be
5 paid to certain surviving beneficiaries of members of the Law Enforcement
6 Officers' Pension System and the State Police Retirement System; providing for
7 the application of this Act; and generally relating to special death benefits for
8 the Law Enforcement Officers' Pension System and the State Police Retirement
9 System.

10 BY repealing and reenacting, with amendments,
11 Article - State Personnel and Pensions
12 Section 29-203
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - State Personnel and Pensions
17 Section 29-204
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,
21 Chapter 588 of the Acts of the General Assembly of 2001
22 Section 2

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

1 **Article - State Personnel and Pensions**

2 29-203.

3 (a) This section applies only to an individual who dies while employed as a
4 member of the Law Enforcement Officers' Pension System:

5 (1) without willful negligence by the member; and

6 (2) (i) with more than 2 years of eligibility service; or

7 (ii) with death arising out of or in the course of the actual
8 performance of duty.

9 (b) When the Board of Trustees receives proof of death of a member and finds
10 that the death has occurred in the manner described in subsection (a) of this section,
11 the Board of Trustees shall pay:

12 (1) if the member is survived by a spouse or child under the age of 18
13 years, an allowance of [50% of the ordinary disability retirement allowance provided
14 for in § 29-108 of this subtitle:] TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL
15 COMPENSATION:

16 (i) to the surviving spouse; or

17 (ii) if there is no surviving spouse or if the surviving spouse dies
18 before the youngest child of the member is 18 years old, to any children of the
19 deceased member who are under the age of 18 years; or

20 (2) if the member is not survived by a spouse or child under the age of 18
21 years, the death benefit under § 29-202 of this subtitle.

22 (c) If the Board of Trustees pays an allowance under this section to more than
23 one child, the Board of Trustees shall divide the allowance among the children under
24 the age of 18 years in a manner that provides for payments to continue until each
25 child dies or becomes 18 years old.

26 29-204.

27 (a) This section applies only to an individual who dies while employed as a
28 member of the State Police Retirement System:

29 (1) without willful negligence by the member; and

30 (2) (i) with more than 2 years of eligibility service; or

31 (ii) with death arising out of or in the course of the actual
32 performance of duty.

1 (b) When the Board of Trustees receives proof of death of a member and finds
 2 that the death has occurred in the manner described in subsection (a) of this section,
 3 the Board of Trustees shall pay:

4 (1) if the member is survived by a spouse, a child under the age of 18
 5 years, or a dependent parent:

6 (i) the member's accumulated contributions to the designated
 7 beneficiary, or otherwise to the member's estate; and

8 (ii) an allowance of two-thirds of the member's average final
 9 compensation:

10 1. to the surviving spouse;

11 2. if there is no surviving spouse or if the surviving spouse
 12 dies before the youngest child of the member is 18 years old, to all children under the
 13 age of 18 years; or

14 3. if there is no surviving spouse or children younger than 18
 15 years of age, to the member's dependent parent to continue as the Board of Trustees
 16 may direct for the rest of the parent's life; or

17 (2) if the member is not survived by a spouse, a child under the age of 18
 18 years, or a dependent parent, the death benefit under § 29-202 of this subtitle.

19 (c) If the Board of Trustees pays an allowance under this section to more than
 20 one child, the Board of Trustees shall divide the allowance among the children under
 21 the age of 18 years in a manner that provides for payments to continue until each
 22 child dies or becomes 18 years old.

23 **Chapter 588 of the Acts of 2001**

24 SECTION 2. AND BE IT FURTHER ENACTED, That the computation of any
 25 allowance under this Act:

26 (1) Shall be construed retroactively and shall be applied to and interpreted to
 27 affect an allowance of a surviving spouse of a deceased member of the State Police
 28 Retirement System whose death arose out of or in the course of the actual
 29 performance of duty on or after July 1, 1972 [but before January 1, 2002]; and

30 (2) [Shall] FOR A DECEASED MEMBER WHOSE DEATH OCCURRED BEFORE
 31 JANUARY 1, 2002, SHALL be recalculated and paid at the new rate as of July 1, 2001,
 32 but shall be subject to cost-of-living adjustments beginning with the date of the first
 33 allowance received.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the computation of any
 35 allowance under § 29-203 of the State Personnel and Pensions Article as enacted by
 36 this Act shall be construed retroactively and shall be applied to and interpreted to
 37 affect an allowance of a surviving spouse of a deceased member of the Law

1 Enforcement Officers' Pension System and whose death arose out of or in the course
2 of the actual performance of duty on or after January 1, 2002.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2002.