
By: **Senators Kittleman, Harris, Schrader, and Stoltzfus**
Introduced and read first time: February 1, 2002
Assigned to: Finance

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; providing for the application of this Act; and generally relating to
11 workers' compensation.

12 BY adding to
13 Article - Labor and Employment
14 Section 9-616
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Labor and Employment
19 Section 9-621
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

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

24 **Article - Labor and Employment**

25 9-616.

26 (A) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY
27 PARTIAL DISABILITY COMPENSATION UNDER THIS SECTION TO A COVERED

1 EMPLOYEE WHO IS INCARCERATED DUE TO A CONVICTION FOR A FELONY OR A
2 MISDEMEANOR.

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

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

8 9-621.

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

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

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

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2002, and shall apply to the payment of any temporary partial or
34 temporary total disability compensation due on or after October 1, 2002.