

SENATE BILL 633

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2003 Regular Session
3lr2401
CF 3lr1876

By: **Senator McFadden**
Introduced and read first time: February 10, 2003
Assigned to: Rules
Re-referred to: Finance, February 14, 2003

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2003

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Occupational Disease - Baltimore City Deputy**
3 **Sheriffs**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under the workers' compensation law to include Baltimore City deputy sheriffs
6 who suffer from heart disease or hypertension resulting in partial or total
7 disability or death under certain circumstances; requiring that workers'
8 compensation benefits received under this Act are in addition to certain
9 retirement benefits, subject to a certain adjustment; requiring certain Baltimore
10 City deputy sheriffs to submit certain medical reports to the Baltimore City
11 Sheriff; and generally relating to compensability of Baltimore City deputy
12 sheriffs under the workers' compensation law.

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 9-503(b) and (e)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2002 Supplement)

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

1

Article - Labor and Employment

2 9-503.

3 (b) (1) A paid police officer employed by an airport authority, a county, the
4 Maryland-National Capital Park and Planning Commission, a municipality, or the
5 State, ~~A DEPUTY SHERIFF OF BALTIMORE CITY~~, a deputy sheriff of Montgomery
6 County, or, subject to paragraph (2) of this subsection, a DEPUTY SHERIFF OF
7 BALTIMORE CITY, Prince George's County deputy sheriff, or Prince George's County
8 correctional officer is presumed to be suffering from an occupational disease that was
9 suffered in the line of duty and is compensable under this title if:

10 (i) the police officer, deputy sheriff, or correctional officer is
11 suffering from heart disease or hypertension; and

12 (ii) the heart disease or hypertension results in partial or total
13 disability or death.

14 (2) (i) A DEPUTY SHERIFF OF BALTIMORE CITY, Prince George's
15 County deputy sheriff, or Prince George's County correctional officer is entitled to the
16 presumption under this subsection only to the extent that the individual suffers from
17 heart disease or hypertension that is more severe than the individual's heart disease
18 or hypertension condition existing prior to the individual's employment as a DEPUTY
19 SHERIFF OF BALTIMORE CITY, Prince George's County deputy sheriff, or Prince
20 George's County correctional officer.

21 (ii) To be eligible for the presumption under this subsection, a
22 DEPUTY SHERIFF OF BALTIMORE CITY, Prince George's County deputy sheriff, or
23 Prince George's County correctional officer, as a condition of employment, shall
24 submit to a medical examination to determine any heart disease or hypertension
25 condition existing prior to the individual's employment as a DEPUTY SHERIFF OF
26 BALTIMORE CITY, Prince George's County deputy sheriff, or Prince George's County
27 correctional officer.

28 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
29 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
30 Marshal, paid police officer, paid law enforcement employee of the Department of
31 Natural Resources, deputy sheriff of Montgomery County, DEPUTY SHERIFF OF
32 BALTIMORE CITY, deputy sheriff of Prince George's County, or Prince George's County
33 correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of
34 this section shall receive the benefits in addition to any benefits that the individual is
35 entitled to receive under the retirement system in which the individual was a
36 participant at the time of the claim.

37 (2) The benefits received under this title shall be adjusted so that the
38 weekly total of those benefits and retirement benefits does not exceed the weekly
39 salary that was paid to the paid law enforcement employee of the Department of
40 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of
41 the State Fire Marshal, police officer, deputy sheriff, or Prince George's County
42 correctional officer.

1 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
2 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by
3 Section 1 of this Act, a Baltimore City deputy sheriff who is employed on or before
4 September 30, 2003:

5 (1) as a condition of continued employment shall provide to the Baltimore City
6 Sheriff on or before December 31, 2003, a copy of a medical report disclosing and
7 describing any existing heart disease or hypertension from which the deputy sheriff
8 may be suffering; and

9 (2) is entitled to the presumption under § 9-503(b) of the Labor and
10 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
11 individual suffers from heart disease or hypertension that is more severe than the
12 individual's heart disease or hypertension condition existing as of the date of the
13 medical report provided under paragraph (1) of this section.

14 ~~SECTION 2-3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2003.