
By: **Senator Kittleman**

Introduced and read first time: January 25, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 9-614 and 9-618
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2004 Supplement)

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

19 **Article - Labor and Employment**

20 9-614.

21 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A covered
22 employee who is temporarily partially disabled due to an accidental personal injury or
23 an occupational disease shall be paid compensation in accordance with this Part II of
24 this subtitle.

25 (B) (1) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY
26 PARTIAL DISABILITY COMPENSATION UNDER THIS PART II OF THIS SUBTITLE TO A
27 COVERED EMPLOYEE WHO IS INCARCERATED DUE TO A CONVICTION OF A FELONY
28 OR A MISDEMEANOR.

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

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

6 9-618.

7 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A covered
8 employee who is temporarily totally disabled due to an accidental personal injury or
9 an occupational disease shall be paid compensation in accordance with this Part III of
10 this subtitle.

11 (B) (1) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY
12 TOTAL DISABILITY COMPENSATION UNDER THIS PART III OF THIS SUBTITLE TO A
13 COVERED EMPLOYEE WHO IS INCARCERATED DUE TO A CONVICTION OF A FELONY
14 OR A MISDEMEANOR.

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.