

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1276
Economic Matters

(Delegate Moe, *et al.*)

Judicial Proceedings

Public Safety Employees Killed in Performance of Duties - Death Benefits -
Heart Attack or Stroke

This bill specifies the circumstances under which an individual who dies from a heart attack or stroke is presumed to have died in the performance of duties, including that the heart attack or stroke occurred: (1) while the individual was engaged in specified stressful activity; (2) while on duty after such activity; or (3) no later than 24 hours after such activity. The presumption is not overcome by competent medical evidence to the contrary.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: None. The bill's provisions generally codify current practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A death benefit of \$50,000 must be paid by the Department of Public Safety and Correctional Services (DPSCS) to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after July 1, 1989: (1) a law enforcement officer; (2) a correctional officer; (3) a volunteer or career firefighter or rescue squad member; or (4) a

sworn member of the office of State Fire Marshal. Reasonable funeral expenses, not exceeding \$10,000, must be paid to the same persons.

Beginning in fiscal 1999, the death benefit provided in the prior fiscal year must be adjusted by any change in the calendar year preceding the fiscal year in the consumer price index.

A death benefit under these provisions is in addition to: (1) any workers' compensation benefits; (2) the proceeds of any form of life insurance, regardless of who paid the premiums; and (3) the funeral benefit provided under these provisions. The funeral benefit must be reduced by the amount of any paid and related workers' compensation benefits.

Payments of death or funeral benefits must be made out of money that the Governor includes for that purpose in the State budget.

Background: An additional death benefit of \$50,000 must be paid by the Department of Budget and Management (DBM) to the survivors of a public safety employee of the State who is killed in the performance of duties on or after July 1, 2000. Local government public safety employees are not covered under this provision. In a typical year, DBM makes no more than one or two such payments. In fiscal 2004, no payments were made.

An individual who receives a death benefit under this provision may not also receive the \$100,000 death benefit otherwise paid to State employees. A death benefit under this provision must be in addition to any: (1) workers' compensation benefits; (2) proceeds of any form of life insurance; (3) benefit provided to a State employee covered by DPSCS; and (4) with a certain exception, benefits paid to a member of the Maryland National Guard, the member's estate, or the member's beneficiaries or survivors by the United States.

These provisions for additional death benefit payments by DBM do not address circumstances under which a State public safety employee dies from a heart attack or stroke. This bill does not alter these additional death benefit provisions.

Additional Comments: Death benefit claims from persons dying from these causes have not been denied. However, DPSCS cannot determine if any potential beneficiaries did not apply for this benefit because they were unaware of the current practice of including eligibility for heart attack or stroke deaths.

Additional Information

Prior Introductions: None.

Cross File: SB 838 (Senator Della, *et al.*) – Budget and Taxation.

Information Source(s): Department of Public Safety and Correctional Services, Department of Budget and Management, Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2005
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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510