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6lr3357 CF HB 673

By: Senators Munson, DeGrange, and McFadden

Introduced and read first time: February 13, 2006

Assigned to: Rules

A BILL ENTITLED

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2 Correctional Officers' Retirement System - Line of Duty Death Benefits

- 3 FOR the purpose of providing that surviving spouses or certain children of certain
- 4 deceased members of the Correctional Officers' Retirement System are eligible
- 5 to receive a certain death benefit under certain circumstances; prohibiting the
- 6 payment of certain death benefits to surviving spouses or certain children of
- 7 certain deceased members of the Correctional Officers' Retirement System if the
- 8 surviving spouse or children are receiving a line of duty death benefits;
- 9 providing for the application of this Act; making this Act an emergency measure;
- and generally relating to line of duty death benefits for surviving spouses and
- children of deceased members of the Correctional Officers' Retirement System.
- 12 BY repealing and reenacting, without amendments,
- 13 Article State Personnel and Pensions
- 14 Section 29-202(a)
- 15 Annotated Code of Maryland
- 16 (2004 Replacement Volume and 2005 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article State Personnel and Pensions
- 19 Section 29-202(b) and 29-205
- 20 Annotated Code of Maryland
- 21 (2004 Replacement Volume and 2005 Supplement)
- 22 BY adding to
- 23 Article State Personnel and Pensions
- 24 Section 29-204.1
- 25 Annotated Code of Maryland
- 26 (2004 Replacement Volume and 2005 Supplement)
- 27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 28 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Personnel and Pensions** 2 29-202. When the Board of Trustees receives proof of death of an individual 3 (a) (1) 4 who died while employed as a member, the Board of Trustees shall pay to the 5 designated beneficiary or, if there is no designated beneficiary, to the member's estate 6 the amounts specified in this subsection. 7 Subject to paragraph (1) of this subsection, the Board of Trustees 8 shall pay the member's accumulated contributions. 9 Subject to paragraph (1) of this subsection, the Board of Trustees 10 shall pay an amount equal to the member's annual earnable compensation at death if 11 the member dies in the course of the performance of duty or the member has at least 12 1 year of eligibility service. 13 (b) (1) A death benefit under this section may not be paid for the death of a 14 member of the State Police Retirement System if a special death benefit under § 15 29-204 of this subtitle is payable or has been paid for that death. A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE 16 17 DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A 18 SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS 19 BEEN PAID FOR THAT DEATH. 20 29-204.1. THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE 21 (A) 22 EMPLOYED AS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM: 23 (1) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE ACTUAL 24 (2) 25 PERFORMANCE OF DUTY. WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A 26 (B) 27 MEMBER AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER DESCRIBED 28 IN SUBSECTION (A) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PAY: 29 IF THE MEMBER IS SURVIVED BY A SPOUSE OR A CHILD UNDER THE (1) 30 AGE OF 18 YEARS: 31 (I) THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO THE 32 DESIGNATED BENEFICIARY, OR OTHERWISE TO THE MEMBER'S ESTATE; AND 33 (II)AN ALLOWANCE OF TWO-THIRDS OF THE MEMBER'S AVERAGE 34 FINAL COMPENSATION: 1. TO THE SURVIVING SPOUSE; OR 35

3	2. IF THERE IS NO SURVIVING SPOUSE OR IF THE SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18 YEARS OLD, TO ANY CHILDREN OF THE DECEASED MEMBER WHO ARE UNDER THE AGE OF 18 YEARS; OR			
5 6	(2) IF THE MEMBER IS NOT SURVIVED BY A SPOUSE OR A CHILD UNDER THE AGE OF 18 YEARS, THE DEATH BENEFIT UNDER § 29-202 OF THIS SUBTITLE.			
7	29-205.			
8 9	3 (a) This section applies to the surviving spouse of an individual who died while employed as a member of:			
10	0 (1) the Correctional Officers' Retirement System;			
11	(2) the Employees' Retirement System;			
12 13	2 (3) the Local Fire and Police System, if the member had transferred from 3 the Employees' Retirement System; or			
14	(4) the Teachers' Retirement System.			
15 16	15 (b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A surviving spouse may elect to receive one of the following:			
17	(1) the death benefit, under § 29-202 of this subtitle; or			
18 19	18 (2) an allowance equal to the amount payable under Option 2 as 19 described in § 21-403 of this article, if:			
20	(i) the spouse is the sole primary designated beneficiary; and			
21	(ii) the member:			
22	1. was eligible to retire; or			
23 24	2. was at least 55 years old with at least 15 years of eligibility service.			
27	25 (C) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE 26 DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A 27 SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS 28 BEEN PAID FOR THAT DEATH.			
31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who dies while employed as a member of the Correctional Officers' Retirement System on or after January 1, 2006.			
33 34	SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety,			

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- 1 has been passed by a yea and nay vote supported by three-fifths of all the members2 elected to each of the two Houses of the General Assembly, and shall take effect from
- 3 the date it is enacted.