

UNOFFICIAL COPY OF SENATE BILL 885
EMERGENCY BILL

K4

6lr3357
CF HB 673

By: **Senators Munson, DeGrange, and McFadden**

Introduced and read first time: February 13, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

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;
10 and generally relating to line of duty death benefits for surviving spouses and
11 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:

Article - State Personnel and Pensions

29-202.

(a) (1) When the Board of Trustees receives proof of death of an individual who died while employed as a member, the Board of Trustees shall pay to the designated beneficiary or, if there is no designated beneficiary, to the member's estate the amounts specified in this subsection.

(2) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay the member's accumulated contributions.

(3) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay an amount equal to the member's annual earnable compensation at death if the member dies in the course of the performance of duty or the member has at least 1 year of eligibility service.

(b) (1) A death benefit under this section may not be paid for the death of a member of the State Police Retirement System if a special death benefit under § 29-204 of this subtitle is payable or has been paid for that death.

(2) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29-204.1 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.

29-204.1.

(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM:

(1) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(2) WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY.

(B) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A MEMBER AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL PAY:

(1) IF THE MEMBER IS SURVIVED BY A SPOUSE OR A CHILD UNDER THE AGE OF 18 YEARS:

(I) THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO THE DESIGNATED BENEFICIARY, OR OTHERWISE TO THE MEMBER'S ESTATE; AND

(II) AN ALLOWANCE OF TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL COMPENSATION:

1. TO THE SURVIVING SPOUSE; OR

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