

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 895

(Senator DeGrange)

Budget and Taxation

Appropriations

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**Public Safety Employees Killed in the Performance of Duties - Public Safety  
Aviation Employees - Death Benefits**

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This bill affords a public safety aviation employee the same death benefit that other public safety employees qualify for in the event they are killed in the performance of duties. A public safety aviation employee includes a pilot and aviation maintenance technician employed by the State. The performance of duties for employees qualifying for this benefit includes actively participating in flight operations as a crew member in a rotary or fixed wing aircraft.

The bill also clarifies that death by a heart attack or stroke during flight operations is evidence of dying in the performance of duties and that public safety aviation employees killed in the performance of duties are entitled to the same funeral expenses afforded to other public safety employees under these provisions.

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**Fiscal Summary**

**State Effect:** Minimal. The bill is expected to apply in a limited number of instances and should not significantly affect death benefit payments made by the Department of Public Safety and Correctional Services (DPSCS).

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Chapter 250 of 2006 increased, from \$50,000 to \$125,000, the death benefit that must be paid by 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 January 1, 2006: (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. A rescue squad member does not now specifically include a pilot and aviation maintenance technician employed by the State.

Chapter 250 also provided that, beginning in fiscal 2009, 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.

Effective July 1, 2005, Chapter 427 of 2005 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.

Members of the State Police Retirement System, the Law Enforcement Officers' Pension System, and the Correctional Officers' Retirement System are entitled to special line-of-duty death benefits for (1) the member's accumulated contributions; and (2) an amount equal to the member's annual compensation at the time of his or her death if the member has at least one year of eligible service. Beneficiaries who receive only lump sum death benefits are not eligible to participate in the State's employee and retiree health insurance program.

The surviving spouse of a member of either the Employees' Pension System or the Teachers' Pension System is entitled to an annual allowance if the member was eligible

to retire, had at least 25 years of eligibility service, or was at least 55 years old and had 15 years of eligibility service.

**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.

An individual who receives a death benefit under this provision may not also receive the \$100,000 death benefit otherwise paid to State employees. The \$50,000 death benefit 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.

The State Police currently employs 40 civilian pilots and 22 aviation maintenance technicians. Its eight trooper pilots are already covered under this death benefit provision. The State Police have not experienced the death of a pilot in the performance of duties since 1986.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Board of Public Works, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2007  
bfl/jr Revised - Senate Third Reader - March 27, 2007

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