HOUSE BILL 855

 $ext{K1} \\ ext{HB } 749/07 - \text{ECM} \\ ext{CF SB } 743 \\ ext{} \\ ext{}$

By: Delegates Davis and Ramirez

Introduced and read first time: February 6, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1	AN ACT concerning			
$\frac{2}{3}$	Workers' Compensation – Law Enforcement Officers – Lyme Disease Presumption			
4 5 6 7 8 9 10 11	compensation law to certain law enforcement officers who contract Lym disease under specified circumstances; providing that certain law enforcement officers who are eligible for benefits under this Act shall receive the benefits is addition to certain retirement benefits, subject to a certain adjustment; making certain conforming changes; defining certain terms; and generally relating to the occupational disease presumption for Lyme disease under the workers.			
12 13 14 15 16	BY repealing and reenacting, with amendments, Article – Labor and Employment Section 9–503(d) and (e) Annotated Code of Maryland (1999 Replacement Volume and 2007 Supplement)			
17 18 19 20 21	BY repealing and reenacting, without amendments, Article – Public Safety Section 3–101(e) Annotated Code of Maryland (2003 Volume and 2007 Supplement)			
22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
24	Article - Labor and Employment			
25	9–503.			

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 2 **HOUSE BILL 855** 1 (d) **(1)** IN THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION, 2 "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101(E)(1) OF 3 THE PUBLIC SAFETY ARTICLE WITHOUT THE APPLICATION OF § 3–101(E)(2). 4 **(2)** A paid law enforcement employee of the Department of Natural 5 Resources who is a covered employee under § 9-207 of this title AND A LAW 6 **ENFORCEMENT OFFICER** is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if the employee: 7
- 8 [(1)] (I) is suffering from Lyme disease; and
- 9 was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment. 10
 - (e) **(1)** Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, [sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, [deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, LAW ENFORCEMENT OFFICER, Montgomery County correctional officer, [deputy sheriff of Prince George's County,] or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual is entitled to receive under the retirement system in which the individual was a participant at the time of the claim.
 - (2)The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, firefighter, fire fighting instructor, [sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, LAW ENFORCEMENT OFFICER. or Prince George's County or Montgomery County correctional officer.

Article - Public Safety

29 3-101.

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- 30 (e) (1) "Law enforcement officer" means an individual who:
- (i) 31 in an official capacity is authorized by law to make arrests: 32 and
- 33 (ii) is a member of one of the following law enforcement 34 agencies:
 - 1. the Department of State Police;

1		2.	the Police Department of Baltimore City;
2		3.	the Baltimore City School Police Force;
3		4.	the Baltimore City Watershed Police Force;
4		5.	the police department, bureau, or force of a county;
5 6	corporation;	6.	the police department, bureau, or force of a municipal
7		7.	the office of the sheriff of a county;
8 9	agency;	8.	the police department, bureau, or force of a bicounty
10		9.	the Maryland Transportation Authority Police;
11		10.	the police forces of the Department of Transportation;
12 13	Resources;	11.	the police forces of the Department of Natural
14 15	Office;	12.	the Field Enforcement Bureau of the Comptroller's
16		13.	the Housing Authority of Baltimore City Police Force;
17		14.	the Crofton Police Department;
18 19	Mental Hygiene;	15.	the police force of the Department of Health and
$\begin{array}{c} 20 \\ 21 \end{array}$	Services;	16.	the police force of the Department of General
22 23	and Regulation;	17.	the police force of the Department of Labor, Licensing,
$\frac{24}{25}$	Maryland;	18.	the police forces of the University System of
26		19.	the police force of Morgan State University;
27		20.	the office of State Fire Marshal;
28		21.	the Ocean Pines Police Department; or

$\frac{1}{2}$	College. 22. the police force of the Baltimore City Community				
3	(2) "Law enforcement officer" does not include:				
4 5	(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;				
6 7	(ii) an individual who serves at the pleasure of the appointing authority of a charter county;				
8	(iii) the police chief of a municipal corporation;				
9 10 11	(iv) an officer who is in probationary status on initial entry int the law enforcement agency except if an allegation of brutality in the execution of th officer's duties is made;				
12 13	(v) a Montgomery County fire and explosive investigator as defined in $\$ 2–208.1 of the Criminal Procedure Article;				
14 15	(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;				
16 17	(vii) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article; or				
18 19	(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article.				
$20 \\ 21$	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.				