

SENATE BILL 712

E4

9lr1749

By: **Senators Mooney, Brinkley, Dyson, ~~and Robey~~ Robey, Miller, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, McFadden, Munson, Peters, Stoltzfus, and Zirkin**

Introduced and read first time: February 6, 2009

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2009

CHAPTER _____

1 AN ACT concerning

2 **Trooper Tobin Triebel Benefits Memorial Act**

3 FOR the purpose of ~~expanding the circumstances under which a police employee of the~~
4 ~~Department of State Police is considered to have died in the performance of~~
5 ~~duties for purposes of paying a certain death benefit;~~ authorizing the Secretary
6 of State Police to award in a certain manner under certain circumstances a
7 certain discretionary death benefit to a decedent who was a police employee of
8 the Department of State Police or a civilian pilot employed by the Department
9 of State Police; providing for the application of this Act; and generally relating
10 to death benefits for police employees of and civilian pilots employed by the
11 Department of State Police.

12 ~~BY repealing and reenacting, with amendments,~~
13 ~~Article – Public Safety~~
14 ~~Section 1–202(b)(1)~~
15 ~~Annotated Code of Maryland~~
16 ~~(2003 Volume and 2008 Supplement)~~

17 BY adding to
18 Article – Public Safety
19 Section ~~1–202(e–1)~~ 1–202(f–1)
20 Annotated Code of Maryland
21 (2003 Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 1–202(g)
4 Annotated Code of Maryland
5 (2003 Volume and 2008 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Public Safety**

9 1–202.

10 ~~(b) (1) Subject to [subsection (e)] SUBSECTIONS (C) AND (C 1) of this~~
11 ~~section and paragraph (2) of this subsection, a death benefit of \$125,000 shall be paid~~
12 ~~to the surviving spouse, child, dependent parent, or estate of each of the following~~
13 ~~individuals who is killed or dies in the performance of duties on or after January 1,~~
14 ~~2006:~~

- 15 ~~(i) a law enforcement officer;~~
16 ~~(ii) a correctional officer;~~
17 ~~(iii) a volunteer or career firefighter or rescue squad member;~~
18 ~~(iv) a sworn member of the office of State Fire Marshal;~~
19 ~~(v) a public safety aviation employee; or~~
20 ~~(vi) a Maryland resident who was a member of the uniform~~
21 ~~services of the United States serving in the Afghanistan or Iraq conflict.~~

22 ~~(C 1) FOR PURPOSES OF DETERMINING WHETHER A DEATH BENEFIT IS~~
23 ~~PAYABLE UNDER SUBSECTION (B) OF THIS SECTION, A LAW ENFORCEMENT~~
24 ~~OFFICER WHO IS A POLICE EMPLOYEE OF THE DEPARTMENT OF STATE POLICE~~
25 ~~IS CONSIDERED TO HAVE DIED IN THE PERFORMANCE OF DUTIES IF THE~~
26 ~~INDIVIDUAL DIES WHILE ENGAGING IN ACTIVITIES THAT DIRECTLY RELATE TO~~
27 ~~THE INDIVIDUAL'S PERFORMANCE OF DUTIES, INCLUDING EXERCISING AND~~
28 ~~ACTIVITY COMMONLY KNOWN AS WORKING OUT.~~

29 (F-1) ON A CASE-BY-CASE BASIS, THE SECRETARY OF STATE POLICE
30 MAY AWARD A DEATH BENEFIT UNDER THIS SECTION IF:

31 (1) AT THE TIME OF DEATH THE DECEDENT WAS:

1 (I) A POLICE EMPLOYEE IN GOOD STANDING OF THE
2 DEPARTMENT OF STATE POLICE; OR

3 (II) A CIVILIAN PILOT EMPLOYED BY THE DEPARTMENT OF
4 STATE POLICE; AND

5 (2) THE DECEDENT DIED WHILE PARTICIPATING IN OFF-DUTY
6 TRAINING EXERCISES DIRECTLY RELATED TO MAINTAINING FITNESS FOR DUTY
7 AS A POLICE EMPLOYEE OR CIVILIAN PILOT EMPLOYED BY THE DEPARTMENT
8 OF STATE POLICE.

9 (g) If the Secretary of Public Safety and Correctional Services OR THE
10 SECRETARY OF STATE POLICE determines that the benefits under this section are
11 to be paid, the benefits shall be paid:

12 (1) to the decedent's surviving spouse;

13 (2) if no individual is eligible under item (1) of this subsection, to each
14 surviving child of the decedent in equal shares;

15 (3) (i) for a death benefit under subsection (b) of this section, if no
16 individual is eligible under item (1) or (2) of this subsection, to the decedent's
17 surviving parent, if the parent was a dependent as defined in § 152 of the Internal
18 Revenue Code; or

19 (ii) for any other benefit under this section, if no individual is
20 eligible under item (1) or (2) of this subsection, to the decedent's surviving parent; or

21 (4) if no individual is eligible under item (1), (2), or (3) of this
22 subsection, to the decedent's estate.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply retroactively and shall apply to a police employee of the
25 Department of State Police ~~who dies in the performance of duties~~ or civilian pilot
26 employed by the Department of State Police who dies while participating in off-duty
27 training exercises on or after November 1, 2008.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2009.