

Chapter 12

**(House Bill 1581)**

AN ACT concerning

**Harford County Deputy Sheriff Patrick Dailey Sheriffs Dailey and Logsdon  
Benefits Memorial Act**

FOR the purpose of increasing the maximum age at which certain children of deceased members of the Law Enforcement Officers’ Pension System who are killed in the line of duty are no longer eligible to receive a certain death benefit; requiring the Board of Trustees to pay a certain death benefit in a certain manner under certain circumstances; requiring the State Retirement Agency and the Department of Legislative Services to review certain provisions of law regarding death benefits and report to the Joint Committee on Pensions on or before a certain date; providing for the application of this Act; making this Act an emergency measure; ~~providing for the termination of this Act;~~ and generally relating to death benefits for members of the Law Enforcement Officers’ Pension System who are killed in the line of duty.

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 29–203  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**Article – State Personnel and Pensions**

29–203.

(a) (1) This subsection applies only to an individual who dies while employed as a member of the Law Enforcement Officers’ Pension System:

- (i) without willful negligence by the member; and
- (ii) with more than 2 years of eligibility service.

(2) When the Board of Trustees receives proof of death of a member and finds that the death has occurred in the manner described in paragraph (1) of this subsection, the Board of Trustees shall pay:

- (i) if the member is survived by a spouse or child under the age of 18 years:

1. the member's accumulated contributions to the designated beneficiary, or otherwise to the member's estate; and

2. an allowance of 50% of the ordinary disability retirement allowance provided for in § 29–108 of this title:

A. to the surviving spouse; or

B. 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

(ii) if the member is not survived by a spouse or child under the age of 18 years, the death benefit under § 29–202 of this subtitle.

(b) (1) This subsection applies only to an individual who dies while employed as a member of the Law Enforcement Officers' Pension System:

(i) without willful negligence by the member; and

(ii) with death arising out of or in the course of the actual performance of duty.

(2) When the Board of Trustees receives proof of death of a member and finds that the death has occurred in the manner described in paragraph (1) of this subsection, the Board of Trustees shall pay:

(i) if the member is survived by a spouse or child under the age of **[18] 26** years:

1. the member's accumulated contributions to the designated beneficiary, or otherwise to the member's estate; and

2. an allowance of two-thirds of the member's average final compensation:

A. to the surviving spouse; or

B. if there is no surviving spouse or if the surviving spouse dies before the youngest child of the member is **[18] 26** years old, to any children of the deceased member who are under the age of **[18] 26** years; or

(ii) if the member is not survived by a spouse or child under the age of **[18] 26** years, the death benefit under § 29–202 of this subtitle.

(c) **(1)** If the Board of Trustees pays an allowance under **SUBSECTION (A) OF** this section to more than one child, the Board of Trustees shall divide the allowance among the children under the age of 18 years in a manner that provides for payments to continue until each child dies or becomes 18 years old.

**(2) IF THE BOARD OF TRUSTEES PAYS AN ALLOWANCE UNDER SUBSECTION (B) OF THIS SECTION TO MORE THAN ONE CHILD, THE BOARD OF TRUSTEES SHALL DIVIDE THE ALLOWANCE AMONG THE CHILDREN UNDER THE AGE OF 26 YEARS IN A MANNER THAT PROVIDES FOR PAYMENTS TO CONTINUE UNTIL EACH CHILD DIES OR BECOMES 26 YEARS OLD.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2016, the State Retirement Agency and the Department of Legislative Services shall:

(a) review the provisions of the State Personnel and Pensions Article and the 2014 Resolution of the General Assembly Compensation Commission relating to death benefits to determine:

(1) whether any additional statutory changes are recommended; and

(2) whether any changes to the Legislative Pension Plan should be recommended to the General Assembly Compensation Commission; and

(b) report to the Joint Committee on Pensions on the review of the death benefit provisions and any recommended changes.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect a member of the Law Enforcement Officers' Pension System who was killed in the line of duty as a Harford County Deputy Sheriff on or after February 1, 2016.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall be construed to apply only prospectively to a member of the Law Enforcement Officers' Pension System who is killed in the line of duty on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to a member of the Law Enforcement Officers' Pension System who is killed in the line of duty before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. ~~It shall remain effective through December 31, 2016, and, at the end of December 31, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

**Approved by the Governor, April 4, 2016.**