SENATE BILL 198

E42lr0003 (PRE-FILED) By: Chair, Judicial Proceedings Committee (By Request - Departmental - Public Safety and Correctional Services) Requested: September 30, 2021 Introduced and read first time: January 12, 2022 Assigned to: Judicial Proceedings Committee Report: Favorable with amendments Senate action: Adopted Read second time: January 27, 2022 CHAPTER AN ACT concerning Correctional Officer - Death Benefit - Eligibility FOR the purpose of altering the circumstances under which a certain death benefit may be awarded; altering the deadline for the submission of an application for a certain death benefit; applying this Act retroactively; and generally relating to correctional officers and death benefits. BY repealing and reenacting, with amendments, Article – Public Safety Section 1-202(b) and (f)Annotated Code of Maryland (2018 Replacement Volume and 2021 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article - Public Safety 1-202.(b) Except as provided in [subsection] SUBSECTIONS (F)(4) AND (j) of this (1)section and subject to subsection (c) of this section and paragraphs (2) and (3) of this subsection, a death benefit of \$125,000 shall be paid to the surviving spouse, child,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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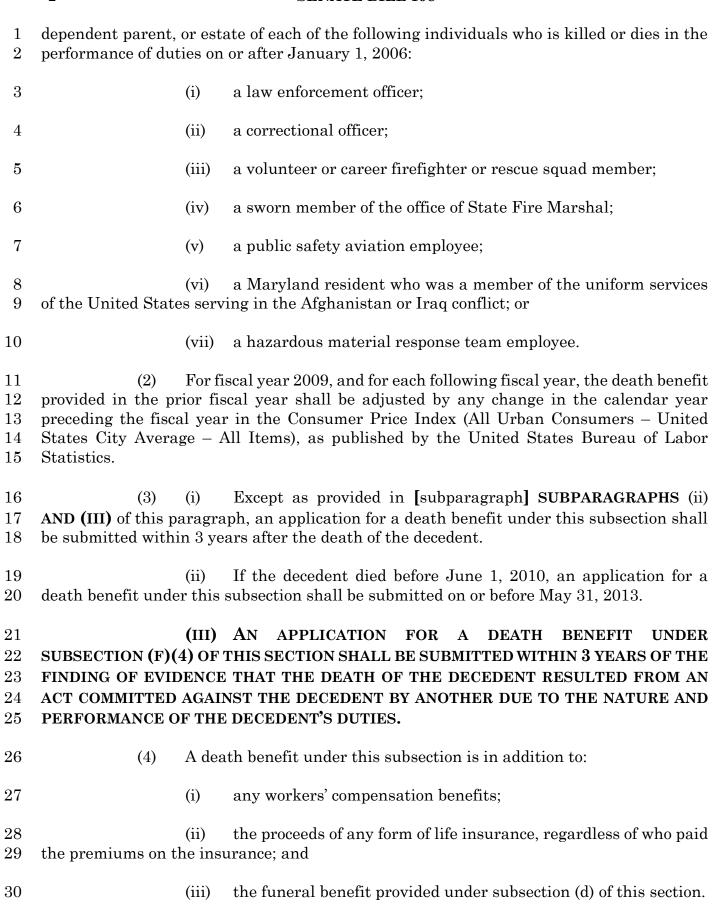
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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





- 1 (5)On receiving notice of the death of an individual described in paragraph 2 (1) of this subsection, the Department of Public Safety and Correctional Services shall take 3 reasonable steps to notify potential recipients of the potential death benefits available 4 under this subsection: 5 (i) when the Department receives notice of the death; and 6 (ii) again 1 year after the date of the death, if an application for a 7 death benefit with respect to the death of the decedent has not been submitted. 8 (f) On a case-by-case basis, the Secretary of Public Safety and Correctional 9 Services may award a death benefit under this section if: 10 the decedent's death was caused by the decedent's intentional (1) misconduct: 11 12 the decedent intended to bring about the decedent's death; [or] (2) 13 the decedent's voluntary intoxication was the proximate cause of the (3)14 decedent's death; OR 15 **(4)** ADDITIONAL EVIDENCE ARISES ON OR AFTER JANUARY 1, 2006, THAT THE DECEDENT'S DEATH RESULTED FROM AN ACT COMMITTED AGAINST THE 16 DECEDENT BY ANOTHER DUE TO THE NATURE AND PERFORMANCE OF THE 17 DECEDENT'S DUTIES. 18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to 19 20 apply both prospectively and retroactively and shall be applied to and interpreted to affect 21any the eligibility of death benefits awarded by the Secretary of Public Safety and 22 Correctional Services to individuals killed or who died as a result of the performance of 23duties with the Department of Public Safety and Correctional Services on or after January 1, 2006 before, on, or after the effective date of this Act. 24
- 25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 26 1, 2022.