

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 198

(Chair, Judicial Proceedings Committee)(By Request -
 Departmental - Public Safety and Correctional Services)

Judicial Proceedings

Appropriations

Correctional Officer - Death Benefit - Eligibility

This departmental bill authorizes the Secretary of Public Safety and Correctional Services, on a case-by-case basis, to award a public safety death benefit if additional evidence arises that the decedent’s death resulted from an act committed against the decedent by another due to the nature and performance of the decedent’s duties. An application for such benefit must be submitted within three years of the finding of evidence to support the claim. The bill applies both prospectively and retroactively to the eligibility of death benefits before, on, or after the bill’s effective date. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by \$168,000 in FY 2023, as discussed below. While out-year expenditures may increase, the bill likely applies in a limited number of instances and is not expected to significantly affect other death benefit payments made by the Department of Public Safety and Correctional Services (DPSCS). State revenues are not affected. **This bill modifies an existing entitlement program.**

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	\$168,000	-	-	-	-
Net Effect	(\$168,000)	(-)	(-)	(-)	(-)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: DPSCS is required to pay a death benefit 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: (1) a law enforcement officer; (2) a correctional officer; (3) a volunteer or career firefighter or rescue squad member; (4) a sworn member of the State Fire Marshal's Office; (5) a public safety aviation employee; (6) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or (7) a hazardous material response team employee of the Maryland Department of the Environment. With the exception of a member of the armed forces serving in Afghanistan or Iraq, reasonable funeral expenses up to \$10,000 must also be paid.

Generally, an application for a death benefit must be submitted within three years after the death of the decedent. Beginning in fiscal 2009, the \$125,000 death benefit is adjusted annually by the Consumer Price Index (CPI).

On a case-by-case basis, the Secretary of Public Safety and Correctional Services may award a death benefit under these provisions if (1) the decedent's death was caused by the decedent's intentional misconduct; (2) the decedent intended to bring about the decedent's death; or (3) the decedent's voluntary intoxication was the proximate cause of the decedent's death.

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.

Background: In June 2001, Correctional Officer Gregory Collins was shot while driving home from his shift at the Eastern Correctional Institution (ECI), which caused his car to swerve off the road and hit a tree. He died as a result of his injuries. In June 2019, John Ingersoll was arrested for the crime. He was convicted in June 2021 of first- and second-degree murder and sentenced to life without parole plus 20 years. DPSCS advises that Mr. Ingersoll admitted that he received orders to kill Correctional Officer Collins from Dead Man Incorporated, a gang Mr. Ingersoll was affiliated with while serving a sentence at ECI.

State Expenditures: In recent years, the State budget has included \$850,000 in general funds annually for the death benefit; budget amendments are processed as needed to fund

the benefit for all eligible persons. With required CPI adjustments, the death benefit for each eligible person is expected to be \$168,020 in fiscal 2023, increasing to \$188,220 by fiscal 2027.

As of the publication of this fiscal and policy note, DPSCS has provided information regarding only one situation for which the Secretary may award a death benefit under the bill's provisions. Assuming an award is made for that case, general fund expenditures increase by \$168,020 in fiscal 2023. Should additional situations come to light, more awards may be made in future years. Nevertheless, this analysis assumes that the bill applies in only a limited number of instances and is not expected to significantly affect subsequent death benefit payments made by DPSCS.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

Fiscal Note History: First Reader - January 11, 2022
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Officer – Death Benefit – Eligibility

BILL NUMBER: SB 198

PREPARED BY: Jennifer Beskid, Director, Office of Government & Legislative Affairs, Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS