

Chapter 165

(Senate Bill 244)

AN ACT concerning

**Correctional Officers' Retirement System – Special Death Benefits –
Applicability**

FOR the purpose of authorizing an application for special death benefits to be made for the death of certain members of the Correctional Officers' Retirement System; and generally relating to special death benefits for members of the Correctional Officers' Retirement System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 29–204.1(a), (b), and (d)
Annotated Code of Maryland
(2015 Replacement Volume and 2022 Supplement)

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

Article – State Personnel and Pensions

29–204.1.

(a) This section applies only to an individual who dies while employed as a member of the Correctional Officers' Retirement System:

- (1) without willful negligence by the member; and
- (2) with death arising out of or in the course of the actual performance of duty.

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

(1) if the member is survived by a spouse, a child under the age of 26 years, a disabled child, or a dependent parent:

(i) the member's accumulated contributions to the designated beneficiary, or otherwise to the member's estate; and

(ii) an allowance of two-thirds of the member's average final compensation:

1. to the surviving spouse; or
 2. if there is no surviving spouse or if the surviving spouse dies, to any children of the deceased member who are under the age of 26 years or disabled, as defined under § 72(m)(7) of the Internal Revenue Code, in accordance with subsection (c) of this section; or
 3. if there is no surviving spouse, no child younger than 26 years of age, or no disabled child, to the member's dependent parent to continue as the Board of Trustees may direct for the rest of the parent's life; or
- (2) if the member is not survived by a spouse, a child under the age of 26 years, a disabled child, or a dependent parent, the death benefit under § 29–202 of this subtitle.

(d) Before the payment of any special death benefit is made under this section, if all individuals eligible for a special death benefit under this section elect to waive the payment of the special death benefit, a benefit shall be paid in accordance with § 29–202(a) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) This section applies to an individual:
- (1) who was a correctional officer who died by homicide on or after June 1, 2001;
 - (2) who was a member of the Correctional Officers' Retirement System at the time of death; and
 - (3) whose death was determined by evidence to have arisen out of or in the course of the actual performance of the individual's duties.
- (b) (1) On or before December 31, 2023, the surviving spouse of an individual described in subsection (a) of this section may request the Board of Trustees for the State Retirement and Pension System to award the surviving spouse a special death benefit under § 29–204.1 of the State Personnel and Pensions Article.
- (2) On receipt of a request to receive a special death benefit under paragraph (1) of this subsection, when the Board of Trustees receives proof of death of the individual described under subsection (a) of this section and finds that the death occurred in the manner described in § 29–204.1 of the State Personnel and Pensions Article, the Board of Trustees shall administer the special death benefit as required under § 29–204.1 of the State Personnel and Pensions Article and in accordance with subsections (c) and (d) of this section.

(c) If a special death benefit is awarded under subsection (b) of this section, and on or before the date of award the Board of Trustees has paid the individual's accumulated contributions under § 29–202(a)(2) of the State Personnel and Pensions Article, the Board of Trustees may not pay the member's accumulated contributions under § 29–204.1(b)(1)(i) of the State Personnel and Pensions Article.

(d) (1) A special death benefit awarded under subsection (b) of this section shall include a lump sum payment of the special death benefit that would have been paid from the individual's date of death through the date the Board of Trustees awards the special death benefit in accordance with this section, with interest calculated at 4% per year, compounded annually.

(2) The retroactive lump sum special death benefit paid under paragraph (1) of this subsection shall be reduced by the amount of the individual's annual earnable compensation at the time of the individual's death and paid under § 29–202 of the State Personnel and Pensions Article, with interest calculated at 4% per year, compounded annually, accumulated through the date the Board of Trustees awards the special death benefit in accordance with this section.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023. It shall remain effective for a period of 7 months and, at the end of December 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 24, 2023.