

HOUSE BILL 76

E4, P4

(PRE-FILED)

5lr1079
CF 5lr1080

By: **Delegates Lehman, Bagnall, D. Jones, Pena-Melnyk, Ruth, Solomon, and Terrasa**

Requested: October 2, 2024

Introduced and read first time: January 8, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety Officer – Performance of Duties – Death and Disability Benefits**

3 FOR the purpose of altering circumstances under which certain individuals are presumed
4 to have died as a direct and proximate result of an injury sustained in the
5 performance of duties for purposes of eligibility for death benefits; altering the
6 circumstances under which certain individuals are eligible for certain disability
7 benefits; authorizing certain 9–1–1 specialists to become members of the Law
8 Enforcement Officers’ Pension System as employees of a participating governmental
9 unit; and generally relating to death and disability benefits and public safety officers.

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 1–202 and 7–202
13 Annotated Code of Maryland
14 (2022 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Personnel and Pensions
17 Section 29–109, 29–111, 31–2A–01, 31–2A–03, 31–2A–04, and 31–2A–05
18 Annotated Code of Maryland
19 (2024 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – State Personnel and Pensions
22 Section 31–2A–02 and 31–2A–03.1
23 Annotated Code of Maryland
24 (2024 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 1–202.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) (i) “Child” means a natural or adopted, legitimate or illegitimate
7 child or stepchild of the decedent.

8 (ii) “Child” includes a child or stepchild born posthumously.

9 (3) “Correctional officer” has the meaning stated in § 8–201(e)(1) of the
10 Correctional Services Article.

11 (4) “Emergency medical services provider” has the meaning stated in §
12 13–516 of the Education Article.

13 (5) “Hazardous material” means any substance regulated as a hazardous
14 material under Title 49 of the Code of Federal Regulations.

15 (6) “Hazardous material response team employee” means an employee of
16 the Department of the Environment or a local government agency who is on call 24 hours
17 a day to provide emergency response to a discharge of oil or a release of hazardous material
18 or other emergency response activity.

19 (7) (i) “Law enforcement officer” has the meaning stated in § 1–101 of
20 this title.

21 (ii) “Law enforcement officer” includes:

22 1. an officer who serves in a probationary status; and

23 2. an officer who serves at the pleasure of the appointing
24 authority of a county or municipal corporation.

25 (8) **“9–1–1 SPECIALIST” HAS THE MEANING STATED IN § 1–301 OF**
26 **THIS TITLE.**

27 (9) “Performance of duties” includes, in the case of a volunteer or career
28 firefighter, public safety aviation employee, rescue squad member, or hazardous material
29 response team employee:

30 (i) actively participating in fighting a fire;

1 (ii) going to or from a fire;

2 (iii) performing other duties necessary to the operation or
3 maintenance of the fire company;

4 (iv) actively participating in the ambulance, advanced life support,
5 or rescue work of an advanced life support unit or a fire, ambulance, or rescue company,
6 including going to or from an emergency or rescue;

7 (v) providing emergency or rescue assistance, whether acting alone
8 or at the direction of or with a fire, ambulance, or rescue company or advanced life support
9 unit;

10 (vi) actively participating in flight operations as a crew member in a
11 rotary or fixed wing aircraft; and

12 (vii) providing emergency response to a discharge of oil or a release of
13 hazardous material or other emergency response activity.

14 **[(9)] (10)** "Public safety aviation employee" includes a pilot and aviation
15 maintenance technician employed by the State.

16 **[(10)] (11)** "Stepchild" means a child of the surviving spouse who was living
17 with or dependent for support on the decedent at the time of the decedent's death.

18 (a-1) For purposes of this section, an individual served in the Afghanistan or Iraq
19 conflict if the individual was a member of the uniformed services of the United States who
20 served in:

21 (1) Afghanistan or contiguous air space, as defined in federal regulations,
22 on or after October 24, 2001, and before a terminal date to be prescribed by the United
23 States Secretary of Defense; or

24 (2) Iraq or contiguous waters or air space, as defined in federal regulations,
25 on or after March 19, 2003, and before a terminal date to be prescribed by the United States
26 Secretary of Defense.

27 (b) (1) Except as provided in subsections **[(f)(4)] (G)(3)** and **[(j)] (K)** of this
28 section and subject to **[subsection] SUBSECTIONS (c) AND (F)** of this section and
29 paragraphs (2) and (3) of this subsection, a death benefit of \$125,000 shall be paid to the
30 surviving spouse, child, dependent parent, or estate of each of the following individuals who
31 is killed or dies in the performance of duties on or after January 1, 2006:

32 (i) a law enforcement officer;

33 (ii) a correctional officer;

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- 1 (iii) a volunteer or career firefighter or rescue squad member;
- 2 (iv) a sworn member of the office of State Fire Marshal;
- 3 (v) a public safety aviation employee;
- 4 (vi) a Maryland resident who was a member of the uniform services
5 of the United States serving in the Afghanistan or Iraq conflict; [or]
- 6 (vii) a hazardous material response team employee; **OR**
- 7 **(VIII) A 9-1-1 SPECIALIST.**

8 (2) For fiscal year 2009, and for each following fiscal year, the death benefit
9 provided in the prior fiscal year shall be adjusted by any change in the calendar year
10 preceding the fiscal year in the Consumer Price Index (All Urban Consumers – United
11 States City Average – All Items), as published by the United States Bureau of Labor
12 Statistics.

13 (3) (i) Except as provided in subparagraphs (ii) and (iii) of this
14 paragraph, an application for a death benefit under this subsection shall be submitted
15 within 3 years after the death of the decedent.

16 (ii) If the decedent died before June 1, 2010, an application for a
17 death benefit under this subsection shall be submitted on or before May 31, 2013.

18 (iii) An application for a death benefit under subsection [(f)(4)] **(G)(3)**
19 of this section shall be submitted within 3 years of the finding of evidence that the death of
20 the decedent resulted from an act committed against the decedent by another due to the
21 nature and performance of the decedent's duties.

22 (4) A death benefit under this subsection is in addition to:

23 (i) any workers' compensation benefits;

24 (ii) the proceeds of any form of life insurance, regardless of who paid
25 the premiums on the insurance; and

26 (iii) the funeral benefit provided under subsection (d) of this section.

27 (5) On receiving notice of the death of an individual described in paragraph
28 (1) of this subsection, the Department of Public Safety and Correctional Services shall take
29 reasonable steps to notify potential recipients of the potential death benefits available
30 under this subsection:

31 (i) when the Department receives notice of the death; and

1 (ii) again 1 year after the date of the death, if an application for a
2 death benefit with respect to the death of the decedent has not been submitted.

3 (c) (1) Whenever an individual identified in subsection (b)(1)(i) through (v)
4 and (vii) of this section dies as the direct and proximate result of a heart attack or stroke,
5 the individual shall be presumed to have died as a direct and proximate result of a personal
6 injury sustained in the performance of duties if:

7 (i) the individual, while on duty:

8 1. engaged in a situation that involved nonroutine stressful
9 or strenuous physical law enforcement, fire suppression, rescue, response to a discharge of
10 oil or a release of hazardous material, emergency medical services, prison security, disaster
11 relief, flight operations as a crew member in a rotary or fixed wing aircraft, or other
12 emergency response activity; or

13 2. participated in a training exercise that involved
14 nonroutine stressful or strenuous physical activity;

15 (ii) the individual died as a result of a heart attack or stroke that the
16 individual suffered:

17 1. while engaging or participating in an activity described in
18 item (i)1 or 2 of this paragraph;

19 2. while still on duty after engaging or participating in an
20 activity described in item (i)1 or 2 of this paragraph; or

21 3. not later than 24 hours after engaging or participating in
22 an activity described in item (i)1 or 2 of this paragraph; and

23 (iii) the presumption is not overcome by competent medical evidence
24 to the contrary.

25 (2) For purposes of paragraph (1) of this subsection, nonroutine stressful
26 or strenuous physical activity does not include actions of a clerical, administrative, or
27 nonmanual nature.

28 (d) (1) Except as provided in subsection [(j)] (K) of this section, reasonable
29 funeral expenses, not exceeding \$25,000, shall be paid to the surviving spouse, child,
30 parent, or estate of each of the following individuals who is killed or dies in the performance
31 of duties:

32 (i) a law enforcement officer;

33 (ii) a correctional officer;

- 1 (iii) a volunteer or career firefighter or rescue squad member;
- 2 (iv) a public safety aviation employee;
- 3 (v) a sworn member of the office of State Fire Marshal; or
- 4 (vi) a hazardous material response team employee.

5 (2) For fiscal year 2026 and each fiscal year thereafter, the funeral benefit
6 provided in the prior fiscal year shall be adjusted by any change in the calendar year
7 preceding the fiscal year in the Consumer Price Index (All Urban Consumers – United
8 States City Average – All Items), as published by the United States Bureau of Labor
9 Statistics.

10 (e) (1) The Secretary of State shall issue a State flag to the family of a
11 firefighter, policeman, member of the military, sworn member of the office of State Fire
12 Marshal, or professional or volunteer emergency medical services provider who is killed in
13 the performance of duty.

14 (2) (i) Except when the deceased is a member of the military, the flag
15 shall be presented to the family of the deceased by the State Senator of the legislative
16 district in which the deceased resided or served.

17 (ii) When the deceased is a member of the military, the flag shall be
18 presented to the family of the deceased by the Department of Veterans and Military
19 Families.

20 **(F) AN INDIVIDUAL IDENTIFIED IN SUBSECTION (B)(1)(I) THROUGH (VIII)**
21 **OF THIS SECTION SHALL BE PRESUMED TO HAVE DIED AS A DIRECT AND PROXIMATE**
22 **RESULT OF AN INJURY SUSTAINED IN THE PERFORMANCE OF DUTIES IF:**

23 **(1) (I) THE INDIVIDUAL WAS DIAGNOSED BY A LICENSED MEDICAL**
24 **OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER,**
25 **ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER; AND**

26 **(II) THE DIAGNOSIS UNDER ITEM (I) OF THIS ITEM RESULTED**
27 **DUE TO THE NATURE AND PERFORMANCE OF THE INDIVIDUAL'S DUTIES; AND**

28 **(2) THE INDIVIDUAL'S DEATH OCCURS BY SUICIDE.**

29 **[(f)] (G)** On a case-by-case basis, the Secretary of Public Safety and
30 Correctional Services may award a death benefit under this section if:

31 (1) the decedent's death was caused by the decedent's intentional
32 misconduct;

1 (2) [the decedent intended to bring about the decedent's death;

2 (3)] the decedent's voluntary intoxication was the proximate cause of the
3 decedent's death; or

4 [(4)] (3) additional evidence arises that the decedent's death resulted
5 from an act committed against the decedent by another due to the nature and performance
6 of the decedent's duties.

7 [(g)] (H) If the Secretary of Public Safety and Correctional Services determines
8 that the benefits under this section are to be paid, the benefits shall be paid:

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

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

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

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

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

19 [(h)] (I) Payments under this section shall be made out of money that the
20 Governor includes for that purpose in the State budget.

21 [(i)] (J) A person aggrieved by a final decision of the Secretary of Public Safety
22 and Correctional Services under this section may seek judicial review as provided for review
23 of final decisions in Title 10, Subtitle 2 of the State Government Article.

24 [(j)] (K) (1) This subsection applies only to a death benefit under subsection
25 (b) of this section or a funeral benefit under subsection (d) of this section payable on behalf
26 of a hazardous material response team employee employed by a local government agency.

27 (2) (i) A death benefit or funeral benefit may only be paid if the local
28 government agency that employs the hazardous material response team employee
29 maintains in reserve the amount needed to pay for one death benefit and one funeral
30 expense for a hazardous material response team employee.

31 (ii) If the Secretary of Public Safety and Correctional Services
32 determines that a death benefit or funeral benefit is to be paid, the local government agency
33 that employed the hazardous material response team employee shall pay to the

1 Department of Public Safety and Correctional Services the funds required to pay the
2 benefit.

3 (3) (i) A local government agency is not required to place funds in
4 reserve under paragraph (2)(i) of this subsection.

5 (ii) If a local government agency does not place funds in reserve
6 under paragraph (2)(i) of this subsection, a death benefit or funeral benefit as provided for
7 under this subsection may not be paid.

8 7-202.

9 (a) (1) A member of a volunteer fire company or volunteer rescue squad is
10 eligible for disability benefits from the Maryland State Firemen's Association if:

11 (i) 1. the member's fire company or rescue squad recommends
12 that the member receive benefits; and

13 [(ii)] 2. the member is permanently or temporarily disabled:

14 [1.] A. as a direct result of actively participating in fighting
15 a fire;

16 [2.] B. while going to or from a fire;

17 [3.] C. while performing other duties necessary to the
18 operation or maintenance of the fire company;

19 [4.] D. while actively participating in the emergency
20 medical services unit, or rescue work of a volunteer advanced life support unit or a
21 volunteer fire, ambulance, or rescue company located in the State; or

22 [5.] E. while providing emergency or rescue assistance,
23 whether acting alone or at the direction of or with a fire, ambulance, or rescue company or
24 advanced life support unit; **OR**

25 **(II) THE MEMBER IS MENTALLY OR PHYSICALLY**
26 **INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE**
27 **MEMBER'S POSITION AND:**

28 **1. THE MEMBER WAS DIAGNOSED BY A LICENSED**
29 **MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS**
30 **DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED**
31 **DISORDER;**

1 **2. THE DIAGNOSIS UNDER ITEM 1 OF THIS ITEM**
2 **RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF**
3 **THE MEMBER’S POSITION;**

4 **3. THE INCAPACITY IS LIKELY TO BE PERMANENT; AND**

5 **4. THE MEMBER SHOULD BE RETIRED.**

6 (2) A benefit under this section shall be paid:

7 (i) regardless of the district in which the beneficiary was disabled;

8 or

9 (ii) regardless of whether the beneficiary was disabled in this State,
10 Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

11 (b) The Board shall pay a benefit under this section from the treasury of the
12 Maryland State Firemen’s Association in the amount and in the manner that the Board
13 determines until the beneficiary is no longer disabled.

14 (c) The secretary of the Board shall add the name of each beneficiary under this
15 section to the Disabled Firemen’s and Rescue Squadmen’s List.

16 **Article – State Personnel and Pensions**

17 29–109.

18 (a) This section does not apply to the State Police Retirement System.

19 (b) Except as provided in subsection (c) of this section, the Board of Trustees shall
20 grant an accidental disability retirement allowance to a member if:

21 (1) the member is totally and permanently incapacitated for duty as the
22 natural and proximate result of an accident that occurred in the actual performance of duty
23 at a definite time and place without willful negligence by the member; and

24 (2) the medical board certifies that:

25 (i) the member is mentally or physically incapacitated for the
26 further performance of the normal duties of the member’s position;

27 (ii) the incapacity is likely to be permanent; and

28 (iii) the member should be retired.

1 (c) The Board of Trustees shall grant an accidental disability retirement
2 allowance to a member of the Law Enforcement Officers' Pension System if:

3 (1) the member is totally and permanently incapacitated for duty arising
4 out of or in the course of the actual performance of duty without willful negligence by the
5 member; and

6 (2) the medical board certifies that:

7 (i) the member is totally incapacitated, either mentally or
8 physically, for the further performance of duty;

9 (ii) the incapacity is likely to be permanent; and

10 (iii) the member should be retired.

11 **(D) (1) THIS SUBSECTION APPLIES ONLY TO MEMBERS OF:**

12 **(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;**

13 **(II) THE LOCAL FIRE AND POLICE SYSTEM; AND**

14 **(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.**

15 **(2) A MEMBER IDENTIFIED UNDER PARAGRAPH (1)(I) OR (II) OF THIS**
16 **SUBSECTION SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY**
17 **INCAPACITATED FOR DUTY AS THE NATURAL AND PROXIMATE RESULT OF AN**
18 **ACCIDENT THAT OCCURRED IN THE ACTUAL PERFORMANCE OF DUTY AND THE**
19 **BOARD OF TRUSTEES SHALL GRANT AN ACCIDENTAL DISABILITY RETIREMENT**
20 **ALLOWANCE TO THE MEMBER IF THE MEDICAL BOARD CERTIFIES THAT:**

21 **(I) THE MEMBER IS MENTALLY OR PHYSICALLY**
22 **INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE**
23 **MEMBER'S POSITION;**

24 **(II) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR**
25 **MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER,**
26 **ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;**

27 **(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH**
28 **RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF**
29 **THE MEMBER'S POSITION;**

30 **(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND**

1 **(V) THE MEMBER SHOULD BE RETIRED.**

2 **(3) A MEMBER IDENTIFIED UNDER PARAGRAPH (1)(III) OF THIS**
3 **SUBSECTION SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY**
4 **INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL**
5 **PERFORMANCE OF DUTY AND THE BOARD OF TRUSTEES SHALL GRANT AN**
6 **ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO THE MEMBER IF THE**
7 **MEDICAL BOARD CERTIFIES THAT:**

8 **(I) THE MEMBER IS MENTALLY OR PHYSICALLY**
9 **INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE**
10 **MEMBER'S POSITION;**

11 **(II) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR**
12 **MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER,**
13 **ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;**

14 **(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH**
15 **RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF**
16 **THE MEMBER'S POSITION;**

17 **(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND**

18 **(V) THE MEMBER SHOULD BE RETIRED.**

19 29-111.

20 (a) This section applies to the State Police Retirement System.

21 (b) Except as provided in § 24-401.1(k) of this article, the Board of Trustees shall
22 grant a special disability retirement allowance to a member if:

23 (1) the member is totally and permanently incapacitated for duty arising
24 out of or in the course of the actual performance of duty without willful negligence by the
25 member; and

26 (2) the medical board certifies that:

27 (i) the member is totally incapacitated, either mentally or
28 physically, for the further performance of duty;

29 (ii) the incapacity is likely to be permanent; and

30 (iii) the member should be retired.

1 (c) Except as provided in subsection (d) of this section, a special disability
2 retirement allowance equals the lesser of:

3 (1) the member's average final compensation; or

4 (2) the sum of:

5 (i) an annuity that is the actuarial equivalent of the member's
6 accumulated contributions at retirement; and

7 (ii) a pension equal to two-thirds of the member's average final
8 compensation.

9 (d) (1) This subsection applies to a member who is at least normal retirement
10 age.

11 (2) A special disability retirement allowance equals the greater of:

12 (i) a normal service retirement allowance; or

13 (ii) a special disability retirement allowance computed in accordance
14 with subsection (c) of this section.

15 **(E) A MEMBER SHALL BE PRESUMED TO BE TOTALLY AND PERMANENTLY**
16 **INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL**
17 **PERFORMANCE OF DUTY AND THE BOARD OF TRUSTEES SHALL GRANT AN**
18 **ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE TO THE MEMBER IF THE**
19 **MEDICAL BOARD CERTIFIES THAT:**

20 **(1) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR**
21 **THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S**
22 **POSITION;**

23 **(2) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR**
24 **MENTAL HEALTH PROFESSIONAL WITH POST-TRAUMATIC STRESS DISORDER,**
25 **ACUTE STRESS DISORDER, OR A TRAUMA- AND STRESS-RELATED DISORDER;**

26 **(3) THE DIAGNOSIS UNDER ITEM (2) OF THIS SUBSECTION RESULTED**
27 **DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF THE**
28 **MEMBER'S POSITION;**

29 **(4) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND**

30 **(5) THE MEMBER SHOULD BE RETIRED.**

1 31-2A-01.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) “Effective date” means the date that an eligible governmental unit commenced
4 or commences participation in the Law Enforcement Officers’ Pension System.

5 (c) “Eligible governmental unit” means a governmental unit that is eligible to
6 participate in the Law Enforcement Officers’ Pension System under § 31-2A-02 of this
7 subtitle.

8 (d) (1) “Emergency medical technician” means a paid emergency medical
9 technician, as determined by the eligible governmental unit.

10 (2) “Emergency medical technician” does not include a volunteer
11 emergency medical technician.

12 (e) (1) “Firefighter” means:

13 (i) a paid firefighter, as determined by the eligible governmental
14 unit; or

15 (ii) a paid paramedic, as determined by the eligible governmental
16 unit.

17 (2) “Firefighter” does not include:

18 (i) a volunteer firefighter; or

19 (ii) a volunteer paramedic.

20 (f) “Law enforcement officer” means an individual certified by the Maryland
21 Police Training and Standards Commission as a law enforcement officer.

22 (g) (1) “Local plan” means a plan or any other arrangement of an eligible
23 governmental unit that is described in § 219(g)(5) of the Internal Revenue Code.

24 (2) “Local plan” does not include a plan established under § 457 of the
25 Internal Revenue Code.

26 (h) **“9-1-1 SPECIALIST” HAS THE MEANING STATED IN § 1-301 OF THE**
27 **PUBLIC SAFETY ARTICLE.**

28 (I) “State system” has the meaning stated in § 20-101(pp) of this article.

29 31-2A-02.

1 Subject to § 31–2A–03 of this subtitle, the governmental units that are eligible to
2 participate in the Law Enforcement Officers’ Pension System are:

- 3 (1) counties; and
4 (2) municipal corporations.

5 31–2A–03.

6 (a) Subject to subsection (b) of this section, the legislative body of an eligible
7 governmental unit may approve participation by its law enforcement officers, firefighters,
8 [or] emergency medical technicians, **OR 9–1–1 SPECIALISTS** in the Law Enforcement
9 Officers’ Pension System if:

10 (1) the legislative body adopts a resolution in the form prescribed by the
11 Board of Trustees; and

12 (2) the eligible governmental unit participates in a State system or
13 operates a local plan, only if:

14 (i) at least 60% of the law enforcement officers, firefighters, [or]
15 emergency medical technicians, **OR 9–1–1 SPECIALISTS** of the eligible governmental unit
16 petition to become members of the Law Enforcement Officers’ Pension System;

17 (ii) the eligible governmental unit satisfies the requirements in
18 subsection (b) of this section; and

19 (iii) the legislative body approves participation of its law enforcement
20 officers, firefighters, [or] emergency medical technicians, **OR 9–1–1 SPECIALISTS** in lieu
21 of participation in the State system or local plan.

22 (b) An eligible governmental unit that operates a local plan or participates in a
23 State system may approve participation of its law enforcement officers, firefighters, [or]
24 emergency medical technicians, **OR 9–1–1 SPECIALISTS** in the Law Enforcement Officers’
25 Pension System only if:

26 (1) the State system or local plan of the eligible governmental unit requires
27 member contributions at the same rate as the member contribution rate that would be
28 applicable to the law enforcement officers, firefighters, [or] emergency medical technicians,
29 **OR 9–1–1 SPECIALISTS** of the eligible governmental unit in the Law Enforcement Officers’
30 Pension System; or

31 (2) the eligible governmental unit:

1 (i) does not provide for the employer pickup of member
2 contributions to the State system or local plan within the meaning of § 414(h)(2) of the
3 Internal Revenue Code; and

4 (ii) certifies that it will not become an approved employer under §
5 21–313 of this article on or after the effective date of participation.

6 (c) (1) If an eligible governmental unit does not satisfy the requirements
7 under subsection (b) of this section, the eligible governmental unit may submit a request to
8 the Board of Trustees to participate in the Law Enforcement Officers' Pension System.

9 (2) The Board of Trustees shall consider a request made under paragraph
10 (1) of this subsection and determine whether any legislation is necessary to allow the
11 eligible governmental unit to participate in the Law Enforcement Officers' Pension System.

12 (3) The Board of Trustees shall make recommendations to the Joint
13 Committee on Pensions regarding any legislation that it determines is necessary to allow
14 the eligible governmental unit to participate in the Law Enforcement Officers' Pension
15 System.

16 31–2A–03.1.

17 (a) Except as provided in subsection (b) of this section, the effective date of
18 participation for an eligible governmental unit is July 1 of the year following the fiscal year
19 in which the eligible governmental unit elects to participate in the Law Enforcement
20 Officers' Pension System.

21 (b) If an eligible governmental unit does not provide the Board of Trustees with
22 the necessary documentation to join the Law Enforcement Officers' Pension System on or
23 before the effective date for the eligible governmental unit, the effective date shall be
24 postponed until July 1 of the second year following the fiscal year in which the eligible
25 governmental unit elects to participate in the Law Enforcement Officers' Pension System.

26 31–2A–04.

27 If a law enforcement officer, firefighter, emergency medical technician, **9–1–1**
28 **SPECIALIST**, or paramedic joins the Law Enforcement Officers' Pension System on the
29 effective date, the member is entitled to credit for employment with the participating
30 governmental unit before the effective date.

31 31–2A–05.

32 (a) This section applies only to a local plan that is a qualified plan under § 401(a)
33 of the Internal Revenue Code and provides a defined benefit to its participants.

34 (b) If an eligible governmental unit approves participation in the Law
35 Enforcement Officers' Pension System, the operation of the local plan or State system with

1 respect to the law enforcement officers, firefighters, emergency medical technicians,
2 **9-1-1 SPECIALISTS**, or paramedics terminates on the effective date.

3 (c) (1) On the effective date:

4 (i) the assets to the credit of the local plan or State system that
5 relate to the law enforcement officers, firefighters, emergency medical technicians, **9-1-1**
6 **SPECIALISTS**, or paramedics who elect to become members shall be transferred to the Law
7 Enforcement Officers' Pension System; and

8 (ii) the trustee or other administrative head of the local plan or State
9 system shall certify the proportion of the funds of the local plan or State system that
10 represents the accumulated contributions of the members as of that date.

11 (2) The accumulated contributions shall be credited to the respective
12 annuity savings accounts of the members in the Law Enforcement Officers' Pension
13 System.

14 (3) The balance of the funds transferred to the Law Enforcement Officers'
15 Pension System shall be offset against the special accrued liability to be funded by the
16 participating governmental unit as provided by § 21-306.1(d) of this article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2025.