

# SENATE BILL 396

E4, P4

5lr1080  
CF HB 76

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By: ~~Senator McKay~~ **Senators McKay, Benson, and M. Jackson**

Introduced and read first time: January 20, 2025

Assigned to: Budget and Taxation and Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2025

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## CHAPTER \_\_\_\_\_

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~~ benefits for public~~  
10 safety officers.

11 BY repealing and reenacting, with amendments,  
12 Article – Public Safety  
13 Section 1-202 ~~and 7-202~~  
14 Annotated Code of Maryland  
15 (2022 Replacement Volume and 2024 Supplement)

16 ~~BY repealing and reenacting, with amendments,~~  
17 ~~Article – State Personnel and Pensions~~  
18 ~~Section 29-109, 29-111, 31-2A-01, 31-2A-03, 31-2A-04, and 31-2A-05~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2024 Replacement Volume and 2024 Supplement)~~

21 ~~BY repealing and reenacting, without amendments,~~  
22 ~~Article – State Personnel and Pensions~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



~~Section 31-2A-02 and 31-2A-03.1~~  
~~Annotated Code of Maryland~~  
~~(2024 Replacement Volume and 2024 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.

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

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

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

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

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

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

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

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

(ii) “Law enforcement officer” includes:

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

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

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

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

4                   (i) actively participating in fighting a fire;

5                   (ii) going to or from a fire;

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

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

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

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

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

18           **[(9)] (10)** “Public safety aviation employee” includes a pilot and aviation  
19 maintenance technician employed by the State.

20           **[(10)] (11)** “Stepchild” means a child of the surviving spouse who was living  
21 with or dependent for support on the decedent at the time of the decedent’s death.

22           (a–1) For purposes of this section, an individual served in the Afghanistan or Iraq  
23 conflict if the individual was a member of the uniformed services of the United States who  
24 served in:

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

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

31           (b) (1) Except as provided in subsections **[(f)(4)] (G)(3)** and **[(j)] (K)** of this  
32 section and subject to **[subsection] SUBSECTIONS (c) AND (F)** of this section and  
33 paragraphs (2) and (3) of this subsection, a death benefit of \$125,000 shall be paid to the

1 surviving spouse, child, dependent parent, or estate of each of the following individuals who  
2 is killed or dies in the performance of duties on or after January 1, 2006:

3 (i) a law enforcement officer;

4 (ii) a correctional officer;

5 (iii) a volunteer or career firefighter or rescue squad member;

6 (iv) a sworn member of the office of State Fire Marshal;

7 (v) a public safety aviation employee;

8 (vi) a Maryland resident who was a member of the uniform services  
9 of the United States serving in the Afghanistan or Iraq conflict; [or]

10 (vii) a hazardous material response team employee; **OR**

11 **(VIII) A 9-1-1 SPECIALIST.**

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

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

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

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

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

27 (i) any workers' compensation benefits;

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

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

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

12           (i) the individual, while on duty:

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

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

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

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

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

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

28           (iii) the presumption is not overcome by competent medical evidence  
29 to the contrary.

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

33           (d) (1) Except as provided in subsection [(j)] (K) of this section, reasonable  
34 funeral expenses, not exceeding \$25,000, shall be paid to the surviving spouse, child,

1 parent, or estate of each of the following individuals who is killed or dies in the performance  
2 of duties:

- 3 (i) a law enforcement officer;
- 4 (ii) a correctional officer;
- 5 (iii) a volunteer or career firefighter or rescue squad member;
- 6 (iv) a public safety aviation employee;
- 7 (v) a sworn member of the office of State Fire Marshal; or
- 8 (vi) a hazardous material response team employee.

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

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

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

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

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

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

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

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

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

3                   (1)    the decedent's death was caused by the decedent's intentional  
4 misconduct;

5                   (2)    ~~the~~ the decedent intended to bring about the decedent's death;

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

8                   ~~[(4)] (3)~~     additional evidence arises that the decedent's death resulted  
9 from an act committed against the decedent by another due to the nature and performance  
10 of the decedent's duties.

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

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

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

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

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

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

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

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

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

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

5 (ii) If the Secretary of Public Safety and Correctional Services  
6 determines that a death benefit or funeral benefit is to be paid, the local government agency  
7 that employed the hazardous material response team employee shall pay to the  
8 Department of Public Safety and Correctional Services the funds required to pay the  
9 benefit.

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

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

15 ~~7-202.~~

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

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

20 ~~[(ii)] 2. the member is permanently or temporarily disabled;~~

21 ~~[1.] A. as a direct result of actively participating in fighting~~  
22 ~~a fire;~~

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

24 ~~[3.] C. while performing other duties necessary to the~~  
25 ~~operation or maintenance of the fire company;~~

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

29 ~~[5.] E. while providing emergency or rescue assistance,~~  
30 ~~whether acting alone or at the direction of or with a fire, ambulance, or rescue company or~~  
31 ~~advanced life support unit; OR~~



~~(H) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S POSITION AND:~~

~~1. THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR MENTAL HEALTH PROFESSIONAL WITH POST TRAUMATIC STRESS DISORDER, ACUTE STRESS DISORDER, OR A TRAUMA AND STRESS RELATED DISORDER;~~

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

~~3. THE INCAPACITY IS LIKELY TO BE PERMANENT; AND~~

~~4. THE MEMBER SHOULD BE RETIRED.~~

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

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

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

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

~~(e) The secretary of the Board shall add the name of each beneficiary under this section to the Disabled Firemen's and Rescue Squadmen's List.~~

### ~~Article State Personnel and Pensions~~

~~29-109.~~

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

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

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

~~(2) the medical board certifies that:~~

1                   (i) ~~the member is mentally or physically incapacitated for the~~  
2 ~~further performance of the normal duties of the member's position;~~

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

4                   (iii) ~~the member should be retired.~~

5           (e) ~~The Board of Trustees shall grant an accidental disability retirement~~  
6 ~~allowance to a member of the Law Enforcement Officers' Pension System if:~~

7                   (1) ~~the member is totally and permanently incapacitated for duty arising~~  
8 ~~out of or in the course of the actual performance of duty without willful negligence by the~~  
9 ~~member; and~~

10                  (2) ~~the medical board certifies that:~~

11                   (i) ~~the member is totally incapacitated, either mentally or~~  
12 ~~physically, for the further performance of duty;~~

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

14                   (iii) ~~the member should be retired.~~

15           (d) (1) ~~THIS SUBSECTION APPLIES ONLY TO MEMBERS OF:~~

16                   (i) ~~THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;~~

17                   (ii) ~~THE LOCAL FIRE AND POLICE SYSTEM; AND~~

18                   (iii) ~~THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM.~~

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

25                   (i) ~~THE MEMBER IS MENTALLY OR PHYSICALLY~~  
26 ~~INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE~~  
27 ~~MEMBER'S POSITION;~~

28                   (ii) ~~THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR~~  
29 ~~MENTAL HEALTH PROFESSIONAL WITH POST TRAUMATIC STRESS DISORDER,~~  
30 ~~ACUTE STRESS DISORDER, OR A TRAUMA AND STRESS RELATED DISORDER;~~

1 ~~(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH~~  
 2 ~~RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF~~  
 3 ~~THE MEMBER'S POSITION;~~

4 ~~(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND~~

5 ~~(V) THE MEMBER SHOULD BE RETIRED.~~

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

12 ~~(I) THE MEMBER IS MENTALLY OR PHYSICALLY~~  
 13 ~~INCAPACITATED FOR THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE~~  
 14 ~~MEMBER'S POSITION;~~

15 ~~(II) THE MEMBER WAS DIAGNOSED BY A LICENSED MEDICAL OR~~  
 16 ~~MENTAL HEALTH PROFESSIONAL WITH POST TRAUMATIC STRESS DISORDER,~~  
 17 ~~ACUTE STRESS DISORDER, OR A TRAUMA AND STRESS RELATED DISORDER;~~

18 ~~(III) THE DIAGNOSIS UNDER ITEM (II) OF THIS PARAGRAPH~~  
 19 ~~RESULTED DUE TO THE NATURE AND PERFORMANCE OF THE NORMAL DUTIES OF~~  
 20 ~~THE MEMBER'S POSITION;~~

21 ~~(IV) THE INCAPACITY IS LIKELY TO BE PERMANENT; AND~~

22 ~~(V) THE MEMBER SHOULD BE RETIRED.~~

23 ~~20-111.~~

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

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

27 ~~(1) the member is totally and permanently incapacitated for duty arising~~  
 28 ~~out of or in the course of the actual performance of duty without willful negligence by the~~  
 29 ~~member; and~~

30 ~~(2) the medical board certifies that:~~

1                   ~~(i) the member is totally incapacitated, either mentally or~~  
2 ~~physically, for the further performance of duty;~~

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

4                   ~~(iii) the member should be retired.~~

5           ~~(e) Except as provided in subsection (d) of this section, a special disability~~  
6 ~~retirement allowance equals the lesser of:~~

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

8                   ~~(2) the sum of:~~

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

11                   ~~(ii) a pension equal to two thirds of the member's average final~~  
12 ~~compensation.~~

13           ~~(d) (1) This subsection applies to a member who is at least normal retirement~~  
14 ~~age.~~

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

16                   ~~(i) a normal service retirement allowance; or~~

17                   ~~(ii) a special disability retirement allowance computed in accordance~~  
18 ~~with subsection (e) of this section.~~

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

24                   ~~**(1) THE MEMBER IS MENTALLY OR PHYSICALLY INCAPACITATED FOR**~~  
25 ~~**THE FURTHER PERFORMANCE OF THE NORMAL DUTIES OF THE MEMBER'S**~~  
26 ~~**POSITION;**~~

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

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

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

~~(5) THE MEMBER SHOULD BE RETIRED.~~

~~§ 31-2A-01.~~

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

~~(b) "Effective date" means the date that an eligible governmental unit commenced or commences participation in the Law Enforcement Officers' Pension System.~~

~~(c) "Eligible governmental unit" means a governmental unit that is eligible to participate in the Law Enforcement Officers' Pension System under § 31-2A-02 of this subtitle.~~

~~(d) (1) "Emergency medical technician" means a paid emergency medical technician, as determined by the eligible governmental unit.~~

~~(2) "Emergency medical technician" does not include a volunteer emergency medical technician.~~

~~(e) (1) "Firefighter" means:~~

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

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

~~(2) "Firefighter" does not include:~~

~~(i) a volunteer firefighter; or~~

~~(ii) a volunteer paramedic.~~

~~(f) "Law enforcement officer" means an individual certified by the Maryland Police Training and Standards Commission as a law enforcement officer.~~

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

~~(2) "Local plan" does not include a plan established under § 457 of the Internal Revenue Code.~~

1           ~~(h) "9-1-1 SPECIALIST" HAS THE MEANING STATED IN § 1-301 OF THE~~  
 2 ~~PUBLIC SAFETY ARTICLE.~~

3           ~~(I) "State system" has the meaning stated in § 20-101(pp) of this article.~~

4 ~~31-2A-02.~~

5           ~~Subject to § 31-2A-03 of this subtitle, the governmental units that are eligible to~~  
 6 ~~participate in the Law Enforcement Officers' Pension System are:~~

7           ~~(1) counties; and~~

8           ~~(2) municipal corporations.~~

9 ~~31-2A-03.~~

10           ~~(a) Subject to subsection (b) of this section, the legislative body of an eligible~~  
 11 ~~governmental unit may approve participation by its law enforcement officers, firefighters,~~  
 12 ~~[or] emergency medical technicians, OR 9-1-1 SPECIALISTS in the Law Enforcement~~  
 13 ~~Officers' Pension System if:~~

14           ~~(1) the legislative body adopts a resolution in the form prescribed by the~~  
 15 ~~Board of Trustees; and~~

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

18           ~~(i) at least 60% of the law enforcement officers, firefighters, [or]~~  
 19 ~~emergency medical technicians, OR 9-1-1 SPECIALISTS of the eligible governmental unit~~  
 20 ~~petition to become members of the Law Enforcement Officers' Pension System;~~

21           ~~(ii) the eligible governmental unit satisfies the requirements in~~  
 22 ~~subsection (b) of this section; and~~

23           ~~(iii) the legislative body approves participation of its law enforcement~~  
 24 ~~officers, firefighters, [or] emergency medical technicians, OR 9-1-1 SPECIALISTS in lieu~~  
 25 ~~of participation in the State system or local plan.~~

26           ~~(b) An eligible governmental unit that operates a local plan or participates in a~~  
 27 ~~State system may approve participation of its law enforcement officers, firefighters, [or]~~  
 28 ~~emergency medical technicians, OR 9-1-1 SPECIALISTS in the Law Enforcement Officers'~~  
 29 ~~Pension System only if:~~

30           ~~(1) the State system or local plan of the eligible governmental unit requires~~  
 31 ~~member contributions at the same rate as the member contribution rate that would be~~

1 ~~applicable to the law enforcement officers, firefighters, [or] emergency medical technicians,~~  
2 ~~OR 9-1-1 SPECIALISTS of the eligible governmental unit in the Law Enforcement Officers'~~  
3 ~~Pension System; or~~

4 ~~(2) the eligible governmental unit:~~

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

8 ~~(ii) certifies that it will not become an approved employer under §~~  
9 ~~21-313 of this article on or after the effective date of participation.~~

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

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

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

20 ~~31-2A-03.1.~~

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

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

30 ~~31-2A-04.~~

31 ~~If a law enforcement officer, firefighter, emergency medical technician, 9-1-1~~  
32 ~~SPECIALIST, or paramedic joins the Law Enforcement Officers' Pension System on the~~  
33 ~~effective date, the member is entitled to credit for employment with the participating~~  
34 ~~governmental unit before the effective date.~~

35 ~~31-2A-05.~~

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

3       ~~(b) If an eligible governmental unit approves participation in the Law~~  
 4 ~~Enforcement Officers' Pension System, the operation of the local plan or State system with~~  
 5 ~~respect to the law enforcement officers, firefighters, emergency medical technicians,~~  
 6 ~~9-1-1 SPECIALISTS, or paramedics terminates on the effective date.~~

7       ~~(e) (1) On the effective date:~~

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

12               ~~(ii) the trustee or other administrative head of the local plan or State~~  
 13 ~~system shall certify the proportion of the funds of the local plan or State system that~~  
 14 ~~represents the accumulated contributions of the members as of that date.~~

15       ~~(2) The accumulated contributions shall be credited to the respective~~  
 16 ~~annuity savings accounts of the members in the Law Enforcement Officers' Pension~~  
 17 ~~System.~~

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.