

SENATE BILL 198

E4

2lr0003

(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 _____

1 AN ACT concerning

2 **Correctional Officer – Death Benefit – Eligibility**

3 FOR the purpose of altering the circumstances under which a certain death benefit may be
4 awarded; altering the deadline for the submission of an application for a certain
5 death benefit; applying this Act retroactively; and generally relating to correctional
6 officers and death benefits.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 1–202(b) and (f)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2021 Supplement)

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

14 **Article – Public Safety**

15 1–202.

16 (b) (1) Except as provided in [subsection] **SUBSECTIONS (F)(4) AND** (j) of this
17 section and subject to subsection (c) of this section and paragraphs (2) and (3) of this
18 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.

Underlining indicates amendments to bill.

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



1 dependent parent, or estate of each of the following individuals who is killed or dies in the
2 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.

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

16 (3) (i) Except as provided in [subparagraph] **SUBPARAGRAPHS (ii)**
17 **AND (III)** of this paragraph, an application for a death benefit under this subsection shall
18 be submitted within 3 years after the death of the decedent.

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

21 **(III) AN APPLICATION FOR A DEATH BENEFIT UNDER**
22 **SUBSECTION (F)(4) OF THIS SECTION SHALL BE SUBMITTED WITHIN 3 YEARS OF THE**
23 **FINDING OF EVIDENCE THAT THE DEATH OF THE DECEDENT RESULTED FROM AN**
24 **ACT COMMITTED AGAINST THE DECEDENT BY ANOTHER DUE TO THE NATURE AND**
25 **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 (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 (1) the decedent's death was caused by the decedent's intentional
11 misconduct;

12 (2) the decedent intended to bring about the decedent's death; [or]

13 (3) the decedent's voluntary intoxication was the proximate cause of the
14 decedent's death; **OR**

15 **(4) ADDITIONAL EVIDENCE ARISES ~~ON OR AFTER JANUARY 1, 2006,~~**
16 **THAT THE DECEDENT'S DEATH RESULTED FROM AN ACT COMMITTED AGAINST THE**
17 **DECEDENT BY ANOTHER DUE TO THE NATURE AND PERFORMANCE OF THE**
18 **DECEDENT'S DUTIES.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply both prospectively and retroactively and shall be applied to and interpreted to affect
21 ~~any 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~~
23 ~~duties with the Department of Public Safety and Correctional Services on or after January~~
24 ~~1, 2006~~ before, on, or after the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2022.