

HOUSE BILL 240

P6

3lr0519
CF 3lr1855

By: **Delegates Otto and Anderton**

Introduced and read first time: January 23, 2023

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY repealing and reenacting, without amendments,
9 Article – State Personnel and Pensions
10 Section 29–204.1(a), (b), and (d)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2022 Supplement)

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

15 **Article – State Personnel and Pensions**

16 29–204.1.

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

19 (1) without willful negligence by the member; and

20 (2) with death arising out of or in the course of the actual performance of
21 duty.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 1. to the surviving spouse; or

11 2. if there is no surviving spouse or if the surviving spouse
12 dies, to any children of the deceased member who are under the age of 26 years or disabled,
13 as defined under § 72(m)(7) of the Internal Revenue Code, in accordance with subsection
14 (c) of this section; or

15 3. if there is no surviving spouse, no child younger than 26
16 years of age, or no disabled child, to the member's dependent parent to continue as the
17 Board of Trustees may direct for the rest of the parent's life; or

18 (2) if the member is not survived by a spouse, a child under the age of 26
19 years, a disabled child, or a dependent parent, the death benefit under § 29-202 of this
20 subtitle.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) This section applies to an individual:

27 (1) who was a correctional officer who died by homicide on or after June 1,
28 2001;

29 (2) who was a member of the Correctional Officers' Retirement System at
30 the time of death; and

31 (3) whose death was determined by evidence to have arisen out of or in the
32 course of the actual performance of the individual's duties.

1 (b) (1) On or before December 31, 2023, the surviving spouse of an individual
2 described in subsection (a) of this section may request the Board of Trustees for the State
3 Retirement and Pension System to award the surviving spouse a special death benefit
4 under § 29–204.1 of the State Personnel and Pensions Article.

5 (2) On receipt of a request to receive a special death benefit under
6 paragraph (1) of this subsection, when the Board of Trustees receives proof of death of the
7 individual described under subsection (a) of this section and finds that the death occurred
8 in the manner described in § 29–204.1 of the State Personnel and Pensions Article, the
9 Board of Trustees shall administer the special death benefit as required under § 29–204.1
10 of the State Personnel and Pensions Article and in accordance with subsections (c) and (d)
11 of this section.

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

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
29 1, 2023. It shall remain effective for a period of 7 months and, at the end of December 31,
30 2023, this Act, with no further action required by the General Assembly, shall be abrogated
31 and of no further force and effect.