

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 396

(Senator McKay, *et al.*)

Budget and Taxation and Judicial Proceedings

Appropriations

Public Safety Officer - Performance of Duties - Death Benefits

This bill (1) requires that the State pay public safety death benefits to the surviving family of specified law enforcement personnel who commit suicide and (2) makes local 9-1-1 specialists eligible for public safety death benefits.

Fiscal Summary

State Effect: As the bill is expected to apply in a limited number of circumstances, it likely has no immediate material effect on State expenditures, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: 9-1-1 specialists are eligible for the public safety death benefit described below (but not the funeral benefit). Also, an individual who dies by suicide is presumed to have died as a direct and proximate result of an injury sustained in the performance of duties (and, therefore, is eligible for death benefits) if the individual was diagnosed by a licensed medical or mental health professional with post-traumatic stress disorder (better known as PTSD), acute stress disorder, or a trauma- and stress-related disorder and the diagnosis resulted due to the nature and performance of the individual's duties.

Current Law: The Department of Public Safety and Correctional Services is required to pay a death benefit to the surviving spouse, child, dependent parent, or estate of each of

the following individuals who is killed or dies in the performance of duties: (1) a law enforcement officer; (2) a correctional officer; (3) a volunteer or career firefighter or rescue squad member; (4) a sworn member of the Office of the State Fire Marshal; (5) a public safety aviation employee; (6) a Maryland resident who was a member of the uniformed services of the United States serving in the Afghanistan or Iraq conflict; or (7) a hazardous material response team employee of the Maryland Department of the Environment. With the exception of a member of the uniformed services serving in Afghanistan or Iraq, reasonable funeral expenses up to \$25,000 must also be paid.

Generally, an application for a death benefit must be submitted within three years after the death of the decedent. Beginning in fiscal 2009, the \$125,000 death benefit is adjusted annually by the Consumer Price Index (CPI), and beginning in fiscal 2026, the \$25,000 funeral benefit is adjusted annually by the CPI.

On a case-by-case basis, the Secretary of Public Safety and Correctional Services may award a death benefit under these provisions if (1) the decedent's death was caused by the decedent's intentional misconduct; (2) the decedent intended to bring about the decedent's death; (3) the decedent's voluntary intoxication was the proximate cause of the decedent's death; or (4) additional evidence arises that the decedent's death resulted from an act committed against the decedent by another due to the nature and performance of the decedent's duties.

A death benefit under these provisions is in addition to (1) any workers' compensation benefits; (2) the proceeds of any form of life insurance, regardless of who paid the premiums; and (3) the funeral benefit provided under these provisions.

Payments of death or funeral benefits must be made out of money that the Governor includes for that purpose in the State budget.

A 9-1-1 specialist is an employee of a county public safety answering point (*i.e.*, 9-1-1 call center), or an employee working in a county public safety answering point, whose duties and responsibilities include (1) receiving and processing 9-1-1 requests for emergency services; (2) other support functions directly related to 9-1-1 requests for emergency services; or (3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

State Expenditures: Expanding eligibility for the death benefits to 9-1-1 specialists and requiring payments to individuals who die by suicide (instead of deciding such cases on a case-by-case basis) are both expected to apply in limited circumstances. The fiscal 2026 budget as introduced includes \$850,000 for the payment of death benefits to surviving family members of law enforcement officers killed in the line of duty, which is consistent with budgeted amounts in recent years. Total annual death benefit payments for each of the

past four years have ranged from a high of \$2.0 million (for 12 deaths) in fiscal 2023 to a low of \$518,600 (for 3 deaths) in fiscal 2024. The bill's changes may increase payments in some years, but any such increase likely can be covered with funds typically budgeted for these payments.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with some provisions included in this bill has been proposed. For example, see HB 1389 of 2024.

Designated Cross File: HB 76 (Delegate Lehman, *et al.*) - Appropriations.

Information Source(s): Baltimore, Cecil, Frederick, and Montgomery counties; Maryland Association of Counties; City of Salisbury; Town of Bel Air; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of State Police; Maryland Institute for Emergency Medical Services Systems; Maryland Department of Emergency Management; State Retirement Agency; Bolton; Department of Legislative Services

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