



## STATE OF MARYLAND

### DEATH BENEFITS

**IMPORTANT NOTICE: Both Federal and State death benefits MAY be tax exempt.**

**The IRS Code of the United States states that:**

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

IRS Code 101 (h) (1) In general. Gross income shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968) killed in the line of duty.

Exceptions (1) shall not apply with respect to the death of any public safety officer if as determined in accordance with the provisions of the Omnibus Crime Control and Safety Streets Act of 1968

101 (h) (2) (A) the death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death, the officer was voluntarily intoxicated at the time of death, the officer was performing such officer's duties in a grossly negligent manner at the time of death, or the payment is to an individual whose actions were a substantial contributing factor to the death of the officer.



To obtain certified copies of registered personal documents, contact the Division of Vital Records, 6550 Reisterstown RD, Reisterstown Road Plaza, Baltimore, MD 21215, (410) 764-3036.

## STATE DEATH BENEFITS

### 4-1002. ANNOTATED CODE OF MARYLAND

A death benefit shall be paid to the surviving spouse, children or dependent parents of **any law enforcement officer** of the State or of any political subdivision of the State, any sheriff or deputy sheriff, any correctional officer, or any volunteer or professional firefighter or rescue squad member who is killed or dies in the performance of duties on or after July 1, 1989. **The amount of the benefit shall be \$128,500.**

A death benefit of **\$100,000** will be paid to the surviving spouse, children, or dependant parents of a **State law enforcement officer** killed in the line of duty on or after July 1, 2000.

This sum shall be **in addition** to any workmen's compensation benefits and proceeds of any form of life insurance regardless of who paid the premium on the insurance.

Payment shall be made as follows:

- (1) To the surviving spouse;
- (2) If there is no surviving spouse payment shall be made to the surviving child or children of the decedent **in equal shares.**
- (3) If there is no surviving spouse or children, payment shall be made to the surviving parent or parents, **if the parent was a dependent as defined in section 152 of the Internal Revenue Code.**

## FUNERAL BENEFIT

The Maryland Legislature passed and the governor signed a bill in 1996 to provide reasonable funeral expenses, **not to exceed \$10,000.** The funeral benefit **shall be reduced** by the amount of any related Workers' Compensation benefits paid.

**Contact: Department of Public Safety and Correctional Services, Suite 310, 6776 Reisterstown Road, Baltimore, MD 21215-2341.**



## STATE PENSION BENEFITS

The **state** retirement system provides two methods of payments when death occurs prior to retirement.

**Ordinary Death Benefit.** When death occurs **with one through two years' of service**, the member's contributions and an amount equal to one year's annual salary are paid. (Under one year of service the accumulated contributions only are paid.)

**Special Death Benefit.** When death occurs **with more than two years' of service**, the member's accumulated contributions are paid. In addition, the surviving spouse or children under 18 years of age will receive  $66 \frac{2}{3}$  percent of the sum of the employee's final average salary. Payments terminate upon the death of the spouse or the child's 18th birthday.

**Contact the Department of Public Safety and Correctional Services, Suite 310, 6776 Reisterstown Road, Baltimore, MD 21215-2341.**

## COUNTY PENSION BENEFITS

Benefits vary in each county. Contact the Retirement Administrator in the Pension and Benefits Division in the county where employed.

## STATE INCOME TAX

Effective July 1, 2001, any death benefit paid from a pension system received by a law enforcement officer's surviving family is free from State taxes. This affects survivors of State Troopers killed in the line of duty after July 1, 1972.

## PROPERTY TAX CREDIT

Effective June 1, 2003, Section 9-210 of the Annotated Code of Maryland is amended to read:

The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a **property tax credit** under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a surviving spouse of a fallen law enforcement officer or rescue worker (1) if the dwelling was owned by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officers or rescue worker's death; (2) if the fallen law enforcement officer or rescue worker or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officers or rescue worker's death and the dwelling was acquired by the surviving spouse with 2 years of the fallen law enforcement officers or rescue worker's death;



or (3) if the dwelling was acquired after the surviving spouse qualified for a credit for a former dwelling under item (1) or (2) of this subsection, to the extent of the previous credit.

## **EDUCATION BENEFITS**

### **18-601. EDUCATION - SCHOLARSHIPS FOR CHILDREN AND SPOUSES OF STATE OR LOCAL PUBLIC SAFETY EMPLOYEES KILLED IN THE LINE OF DUTY (Amended 1990)**

"Child" means any child who is at least 16 years old and **under the age of 24** of any State or local public safety employee killed in the line of duty.

"Spouse" means a person who: Is legally married to any State or local public safety employee at the time that the public safety employee is killed in the line of duty; **and has not remarried.**

"State or local public safety employee" means a career or volunteer member of a fire department; ambulance company or squad; or rescue company or squad; a law enforcement officer; and a member of the Maryland National Guard who was **a resident of the estate at the time of death.**

Established - There is a program of scholarships that are awarded under this section. The program is the Edward T. Conroy Memorial Scholarship Program.

Eligibility - A person may apply to the Administration for a scholarship under this section if the person:

- A. Is at least 16 years old and a son or daughter of any State or local public safety employee killed in the line of duty; or
- B. Is the surviving spouse of any State or local public safety employee killed in the line of duty. (Refer to definition of surviving spouse above.)

Use; amount - A scholarship awarded under this section:

- (1) May be used for the tuition and mandatory fees at any eligible institution; and
- (2) May not exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the University of Maryland, College Park.

Duration - Each recipient of a scholarship under this section may hold the award **for 5 years of full-time study or 8 years of part-time study.**

*Learn about line of duty death benefits information for all states and US territories at [ODMP.org](http://ODMP.org). Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.*



This scholarship program is also available to dependents of veterans as well as disabled police officers. **Scholarship amounts are determined by the funding available and the number of applications. In recent years, scholarships have ranged from 65% to 91% of total tuition and mandatory fees.**

**Applications can be obtained from the Maryland Higher Education Commission, State Scholarship Administration, 839 Bestgate RD, STE 400, Annapolis, MD 21401. (410) 260-4500.**

## **HEALTH BENEFITS**

**Varied depending upon police department benefits.** Spouses of state and county officers may elect to continue to participate in the same benefit program in effect at the time of the officer's death. Contact the Benefits Coordinator at your agency.

## **WORKERS' COMPENSATION**

- **DEATH BENEFITS:**
  - If wholly dependent, two-thirds of the employee's Average Weekly Wage not to exceed 100% of the State Average Weekly Wage or \$940.00.
  - If partly dependent, two-thirds of the employee's Average Weekly Wage not to exceed two-thirds of the State Average Weekly Wage or \$627.00.

Workers' Compensation coverage for employers in Maryland is compulsory; however, waivers are allowed.

**There is also a maximum burial allowance of \$5,000.** Burial expenses in excess of maximum are payable if approved by the Workers' Compensation Commission if there are no dependents. Spouse will receive a **two-year lump sum** payable upon remarriage, and weekly benefits will cease. Children receive benefits until age 18 or beyond age 18 if physically or mentally disabled, or until age 23 if full-time students. **There is a maximum cap of \$45,000.** Benefits may continue after a maximum of \$45,000 has been paid if there remain wholly dependent survivors.

**To obtain a claim form, contact the Workers' Compensation Commission at 10 East Baltimore ST, 4<sup>th</sup> Floor, Baltimore, MD 21202. (410) 864-5100.**

## **PERSONAL LIFE POLICY - INTESTATE**



**Descent and Distribution** - Real estate and personal estate both pass directly to personal representative for administration and distribution as follows: Entire estate, or if there be surviving spouse, excess over share of spouse descends and is distributed as follows, each class of which member is living taking to exclusion of subsequent classes: **(1)** To surviving issue by representation; **(2)** to surviving parents equally or, if only one, to that one; otherwise, to issue of parents by representation; **(3)** one-half to surviving paternal grandparents equally or, if only one, to that one; otherwise, to issue of paternal grandparents by representation; and one-half to surviving maternal grandparents equally or, if only one, to that one; otherwise, to issue of maternal grandparents by representation; if pair of grandparents or their issue fail to survive, their one-half is distributable as provided for other one-half; **(4)** one-quarter to each pair of great-grandparents equally or to survivor of each pair or, if neither survives, to issue of pair by representation; if any pair of great-grandparents and issue fails to survive, its one-quarter is distributable as provided for other three-quarters; **(5)** to living stepchildren equally (and issue of deceased stepchildren by representation), if born to non-divorced legal spouse.

"Issue" is defined as every living lineal descendant of ancestor fails to survive decedent by 30 days, his is deemed to have predeceased decedent and is not entitled to rights of heir.

Degrees of Kindred - computed by civil law method by counting from decedent up to common ancestor and then down to claimant.

Surviving spouse - takes one-half if there is minor surviving child; \$15,000 and one-half of residue if there is surviving issue, but no surviving minor child, or if there is no surviving issue, but surviving parent; whole estate if there is no surviving issue or parent. Person cannot be surviving spouse if person: **(1)** Is validly and absolutely divorced from decedent, or if marriage validly annulled; **(2)** voluntarily appears in foreign proceeding where decedent obtained absolute divorce or annulment, even if not recognized in Maryland; **(3)** was remarried after decedent obtained decree of divorce or annulment; or **(4)** was convicted of bigamy while married to decedent.

## **ADDITIONAL BENEFITS**

### **Peer Support**

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a "lifeline" to police survivors nationwide. **Contact the COPS National Office or visit [www.nationalcops.org/chap.htm](http://www.nationalcops.org/chap.htm) for information on a chapter in your area.**

**STATE FLAG (4-1003 Annotated Code of Maryland)** The Secretary of State of Maryland shall issue a Maryland State flag to the family of any policeman killed in the line of duty.

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The flag shall be presented to the family of the deceased policeman by the State Senator of the legislative district in Maryland in which the deceased resided.

**HEROES, Inc.** was founded in 1964, as a totally nonprofit volunteer organization incorporated in the District of Columbia under Charitable Registration Certificate No. 6-07-398 to serve the surviving families of all officers within the Metropolitan Washington, DC, area (The District of Columbia, Prince George's County and Montgomery County in Maryland, and Arlington and Fairfax Counties in Virginia).

Within 24 hours of an officer's death, a **check in the amount of \$3,500** is delivered to the family to be used for immediate emergency expenses.

At a later date, usually within two to four weeks, the surviving spouse will meet with the HEROES Executive Committee to identify other personal areas where financial assistance is needed. A comprehensive scholarship program is available to ensure that each child can receive an education of his or her choice.

**HEROES never forgets or closes the books on a family. They are always available for counseling or assistance. The telephone number for HEROES, Inc. is (202) 638-6658.**

## **FUNERAL AND CREMATION BENEFITS**

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ [www.dignitymemorial.com](http://www.dignitymemorial.com) and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.