

HOUSE BILL 416

K1
HB 615/12 – ECM

3lr1896

By: **Delegates DeBoy, Cluster, McDermott, and Barnes**
Introduced and read first time: January 28, 2013
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumption – Duty Belt**
3 **Worn by Law Enforcement**

4 FOR the purpose of providing that certain paid police officers and certain paid deputy
5 sheriffs are presumed to be suffering from an occupational disease for a
6 lower-back impairment under the workers' compensation law under certain
7 circumstances; providing that the presumption shall apply only if the police
8 officers and deputy sheriffs subject to this Act have been employed for a certain
9 period of time and were required, as a condition of employment, to wear a
10 certain duty belt; requiring that the presumption extends to the police officers
11 and deputy sheriffs subject to this Act for a certain period of time following a
12 certain termination of service; and generally relating to an occupational disease
13 presumption under the workers' compensation law for a lower-back impairment
14 suffered by certain paid police officers and paid deputy sheriffs required to wear
15 a duty belt.

16 BY adding to
17 Article – Labor and Employment
18 Section 9–503(e)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Labor and Employment
23 Section 9–503(e)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Labor and Employment**

2 9–503.

3 **(E) (1) IN THIS SUBSECTION, “DUTY BELT” MEANS A BELT USED TO**
4 **HOLD A GUN, HANDCUFFS, A BATON, AND ANY OTHER ITEMS RELATED TO LAW**
5 **ENFORCEMENT.**

6 **(2) (I) A PAID POLICE OFFICER EMPLOYED BY AN AIRPORT**
7 **AUTHORITY, A COUNTY, THE MARYLAND–NATIONAL CAPITAL PARK AND**
8 **PLANNING COMMISSION, A MUNICIPALITY, OR THE STATE OR A PAID DEPUTY**
9 **SHERIFF EMPLOYED BY ALLEGANY COUNTY, ANNE ARUNDEL COUNTY,**
10 **BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY IS**
11 **PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS**
12 **SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:**

13 **1. THE POLICE OFFICER OR DEPUTY SHERIFF IS**
14 **SUFFERING FROM A LOWER–BACK IMPAIRMENT; AND**

15 **2. THE LOWER–BACK IMPAIRMENT RESULTS IN**
16 **PARTIAL OR TOTAL DISABILITY.**

17 **(II) THE PRESUMPTION UNDER THIS SUBSECTION SHALL**
18 **APPLY ONLY IF:**

19 **1. THE POLICE OFFICER OR DEPUTY SHERIFF HAS**
20 **BEEN EMPLOYED AT LEAST 5 YEARS AS A POLICE OFFICER ON A REGULAR,**
21 **FULL–TIME SALARY BY AN AIRPORT AUTHORITY, A COUNTY, THE**
22 **MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION, A**
23 **MUNICIPALITY, OR THE STATE OR AS A DEPUTY SHERIFF ON A REGULAR,**
24 **FULL–TIME SALARY BY ALLEGANY COUNTY, ANNE ARUNDEL COUNTY,**
25 **BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE’S COUNTY;**
26 **AND**

27 **2. AS A CONDITION OF EMPLOYMENT AS A POLICE**
28 **OFFICER OR DEPUTY SHERIFF, THE POLICE OFFICER OR DEPUTY SHERIFF WAS**
29 **REQUIRED TO WEAR A DUTY BELT.**

30 **(III) THE PRESUMPTION UNDER THIS SUBSECTION SHALL BE**
31 **EXTENDED TO A POLICE OFFICER OR DEPUTY SHERIFF FOLLOWING THE**
32 **TERMINATION OF SERVICE FOR 60 MONTHS, COMMENCING WITH THE LAST**
33 **DATE THE POLICE OFFICER OR DEPUTY SHERIFF WORKED AS A POLICE OFFICER**
34 **OR DEPUTY SHERIFF.**

1 **[(e)](F)** (1) Except as provided in paragraph (2) of this subsection, any
2 paid firefighter, paid fire fighting instructor, sworn member of the Office of the State
3 Fire Marshal, paid police officer, paid law enforcement employee of the Department of
4 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or
5 employee of the Maryland–National Capital Park and Planning Commission, deputy
6 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County
7 correctional officer, deputy sheriff of Prince George’s County, or Prince George’s
8 County correctional officer who is eligible for benefits under subsection (a), (b), (c), **[or]**
9 **(d), OR (E)** of this section or the dependents of those individuals shall receive the
10 benefits in addition to any benefits that the individual or the dependents of the
11 individual are entitled to receive under the retirement system in which the individual
12 was a participant at the time of the claim.

13 (2) The benefits received under this title shall be adjusted so that the
14 weekly total of those benefits and retirement benefits does not exceed the weekly
15 salary that was paid to the paid law enforcement employee of the Department of
16 Natural Resources, a park police officer or employee of the Maryland–National Capital
17 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of
18 the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George’s
19 County or Montgomery County correctional officer.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2013.