

- (1) If the decedent's death was caused by the decedent's intentional misconduct;
- (2) If the decedent intended to bring about the decedent's death; or
- (3) If the decedent's voluntary intoxication was the proximate cause of the decedent's death.

(e) Upon a determination by the Secretary of the Department of Public Safety and Correctional Services that the benefits provided for in this section are to be paid, payment shall be made as follows:

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

(f) (1) Any person aggrieved by a final decision of the Secretary under this section may apply for judicial review.

(2) The appeal shall be made as provided for review of final decisions in Title 10, Subtitle 2 of the State Government Article of the Code.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to funeral benefits for the Sheriff of Baltimore City or any deputy sheriff of Baltimore City who is killed or dies in the line of duty on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved April 29, 1997.

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## CHAPTER 130

### (Senate Bill 80)

AN ACT concerning

#### **Residential Treatment Centers – Accreditation**

FOR the purpose of ~~authorizing the Secretary of Health and Mental Hygiene to use the current standards of the Joint Commission on Accreditation of Health Care Organizations when conducting inspections of certain residential treatment centers;~~ authorizing the Secretary of Health and Mental Hygiene to license a residential treatment center based on the residential treatment center's current applicable