

Article - State Personnel and Pensions

10-404.

(a) (1) In this section the following words have the meanings indicated.

(2) "Child" means any natural, adopted, or posthumous child, or stepchild, or the decedent who is:

(i) 18 years of age or under; or

(ii) over 18 years of age and incapable of self-support because of a physical or mental disability.

(3) "Stepchild" means any child of the surviving spouse who was living with or dependent for support on the decedent at the time of death.

(b) [(1) Except as provided in paragraph (2) of this subsection, this] THIS section applies to all employees in:

[(i)] (1) the State Personnel Management System; and

[(ii)](2) any other authorized personnel system established for a unit of State government.

[(2) This section does not apply to an employee covered by the provisions of Article 41, § 4-1002 of the Code.]

(c) (1) (i) [As provided in this section, a] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A death benefit in the amount of \$100,000 shall be paid to the surviving spouse, children, or dependent parents of any employee subject to this section who is killed in the performance of duties on or after July 1, 2000.

(ii) A death benefit may not be paid under this ~~section~~ PARAGRAPH if an employee is killed as a result of the employee's negligence.

(2) (I) A DEATH BENEFIT IN THE AMOUNT OF \$50,000 SHALL BE PAID TO THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS OF ANY STATE EMPLOYEE COVERED BY THE PROVISIONS OF ARTICLE 41, § 4-1002 OF THE CODE WHO IS KILLED IN THE PERFORMANCE OF DUTIES ON OR AFTER JULY 1, 2000.

(II) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS PARAGRAPH IF AN EMPLOYEE IS KILLED AS A RESULT OF THE EMPLOYEE'S NEGLIGENCE.

(III) AN INDIVIDUAL WHO RECEIVES A DEATH BENEFIT UNDER THIS PARAGRAPH MAY NOT ALSO RECEIVE A DEATH BENEFIT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

[(2)] (3) A death benefit under this section shall be in addition to any:

(i) workers' compensation benefits; [and]

(ii) proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; AND