

**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) This section applies to all [employees in]:

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

(2) EMPLOYEES IN any other authorized personnel system established for a unit of State government; AND

(3) MEMBERS OF THE MARYLAND NATIONAL GUARD SERVING ON ORDERS ISSUED IN ACCORDANCE WITH ARTICLE 65 OF THE ANNOTATED CODE OF MARYLAND OR TITLE 32 OF THE UNITED STATES CODE.

(c) (1) (i) Except as provided in ~~paragraph (2) PARAGRAPHS (2) AND (3) 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 paragraph if an employee is killed as a result of the employee's negligence.

(iii) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS PARAGRAPH IF A MEMBER OF THE MARYLAND NATIONAL GUARD WHO IS KILLED IN THE PERFORMANCE OF DUTIES IS ELIGIBLE TO RECEIVE DEPENDENCY AND INDEMNITY COMPENSATION UNDER RULES PRESCRIBED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

(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) ~~OR (3)~~ of this subsection.