

(iii) Funeral benefit provided under paragraph (3) of this subsection.

(3) (i) Reasonable funeral expenses, not to exceed \$10,000, shall be paid to the surviving spouse, children, or dependent parents of a law enforcement officer, correctional officer, volunteer or professional firefighter or rescue squad member, or State Fire Marshal who is killed or dies in the line of duty.

(ii) The funeral benefit provided by this paragraph shall be reduced by the amount of any related workers' compensation benefits paid under the provisions of § 9-689 of the Labor and Employment Article.

(c) The payments for which this section provides shall be made out of funds which the Governor may appropriate for that purpose in the State budget.

(d) The Secretary of Public Safety and Correctional Services may award a death benefit under this section under any of the following circumstances provided the decision is made on a case-by-case basis:

(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 take effect October 1, 1998.

Approved May 12, 1998.