



Committee: GO
Committee Review: At a future date
Staff: Christine Wellons, Chief Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #6A
October 21, 2025
Introduction

SUBJECTS

Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

Lead Sponsor: Councilmembers Glass and Katz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Expedited Bill 32-25 would:

- (1) increase death benefits to spouses of Group G members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Expedited Bill 32-25

Pages 1-2
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M E M O R A N D U M

October 16, 2025

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act")

PURPOSE: Introduction – no Council votes required

Expedited Bill 32-25, Employees' Retirement System - Survivor Benefits - Death During Line of Duty (the "HERO Act"), is scheduled for introduction on October 21, 2025. The Lead Sponsors are Councilmembers Glass and Katz. A public hearing on the bill is tentatively scheduled for November 18 at 1:30 p.m.

Expedited Bill 32-25 would:

- (1) increase death benefits to spouses of Group G members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

BACKGROUND

The main purposes of the bill are to:

- maintain existing survivor benefit options for spouses and children of career firefighters (Group G members) who are killed in the line of duty, while adding an option for the spouse to receive a pension as if the member had at least 20 years of credited service;
- ensure that benefits are received expeditiously following a line of duty death; and
- reaffirm the County's commitment to honoring the critical work of the County's first responders and public safety officials.

BILL SPECIFICS

Under Chapter 33, Article III {Employees' Retirement System} of the County Code, a surviving spouse or child of a member of Group G who died during the line of duty is entitled to

benefits “as if the member had been receiving a service-connected disability pension on the date of the member’s death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member.” Alternatively, if the member died after becoming eligible to vest or retire, the surviving spouse or child is eligible to receive “a benefit equal to the yearly amount of benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100-percent joint and survivor pension option.”

Expedited Bill 32-25 would expand upon the existing death benefits so that the surviving spouse would have the ability to select between three options:

- the benefits the spouse would have received if the member had been receiving a service-connected disability pension on the date of the member’s death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member;
- the benefits the spouse would have received if the member had terminated employment on the day before the date of death with exactly twenty years of credited service and had elected a 100 percent joint and survivor pension option; or
- if the member died after becoming eligible to vest or retire, the benefits that would have been payable if the member had vested or retired immediately before death and had elected a 100-percent joint and survivor pension option.

The benefit selected by the surviving spouse would become payable upon the date the Group G member died. In addition, the benefit and would be required to be paid beginning on the first of the month following the date the Group G member died.

The death benefits available through the retirement system under the County Code are in addition to death benefits available to surviving spouses and children under collectively bargained agreements. *See, e.g.,* Sections 20.10 {Lump Sum Death Benefit} and 20.11 {Line of Duty Death Benefit} of the Agreement Between Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664, AFL-CIO and Montgomery County Government/Montgomery County, Maryland for the Years July 1, 2024 Through June 30, 2026 (available at [IAFF-CBA-2024-2026-Final.pdf](#)).

This packet contains:
Expedited Bill 32-25

Circle #
1

Expedited Bill No. 32-25
Concerning: Employees' Retirement
System – Survivor Benefits – Death
During Line of Duty
Revised: 10/13/2025 Draft No. 1
Introduced: October 21, 2025
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz

AN EXPEDITED ACT to:

- (1) increase death benefits to spouses of Group G members whose deaths are service-connected; and
- (2) generally amend the law regarding the employees' retirement system, including pension benefits and other benefits available to survivors upon service-connected deaths.

By amending

Chapter 33, Personnel and Human Resources
Section 33-46

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 33-46 is amended as follows:**

2 **33-46. Death benefits and designation of beneficiaries.**

3 * * *

4 (b) *Spouse's, or domestic partner's, and children's benefits of a member*
5 *whose death is service connected.*

6 * * *

7 (2) [The] Except as provided under paragraph (4) of this subsection
8 (b), the Chief Administrative Officer must pay death benefits to
9 the spouse or domestic partner and child of a Group F or G
10 member as if the member had been receiving a service-connected
11 disability pension on the date of the member's death and had
12 selected a joint and survivor pension option of 100 percent of the
13 amount payable to the member, if:

14 (A) the Group F or G member died while employed by the
15 County; and

16 (B) the employing department, a beneficiary, or another person
17 submits satisfactory proof to the Chief Administrative
18 Officer that the member's death:

19 (i) resulted from injuries the employee received in the
20 line of duty or was directly attributable to the
21 inherent hazards of the duties the employee
22 performed; and

23 (ii) was not due to the employee's willful negligence.

24 (3) [The] Except as provided under paragraph (4) of this subsection
25 (b), the Chief Administrative Officer must pay a benefit to the
26 spouse or domestic partner and children of a Group G member

who dies on or after July 1, 2004 under the conditions stated in [subsection] paragraph (2) of subsection (b) as if the member had died while receiving a service connected disability retirement benefit of at least 70 percent of the member's final earnings.

(4) Group G – Line of duty death benefits for surviving spouses.

(A) Within 60 days of the death of a Group G member under the conditions stated under paragraph (2) of subsection (b), the surviving spouse may elect to receive:

(i) the benefit the spouse would have received if the member had terminated employment on the day before the date of death with exactly 20 years of credited service and had elected a 100 percent joint and survivor pension option;

(ii) the benefit under paragraph (2) of this subsection (b); or

(iii) if the member died after becoming eligible to vest or retire, the benefit under subsection (e) of this section.

(B) The Chief Administrative Officer must process the spouse's election under subparagraph (A) of this paragraph immediately upon receipt of the election.

(C) The benefit under subparagraph (A) of this paragraph:

(i) becomes payable upon the date the Group G member died; and

(ii) must be paid beginning on the first of the month following the date the Group G member died.

* * *

(e) *Spouse's, or domestic partner's, and children's benefits when an active member eligible for vesting or retirement dies.*

(1) A surviving spouse, domestic partner, or child who is the designated beneficiary of a member who died after becoming eligible to vest or retire, may elect within 60 days after the member's death a benefit equal to the yearly amount of benefits that would have been payable if the member had vested or retired immediately before death and had elected a [100-percent] 100 percent joint and survivor pension option. The payments must begin on the member's normal retirement date if the member was eligible for vesting, or immediately if the member was eligible for retirement.

(2) If the designated beneficiary who would receive a death benefit under paragraph (1) dies before the death benefit payments begin and the member designated a contingent beneficiary, the death benefit under subsection (a) must be paid to the contingent beneficiary designated by the member (or to a person designated by the beneficiary if the member left no enforceable contingent beneficiary designation.)

* * *

Sec. 2. Short Title. This Act may be cited as the HERO Act.

Sec. 3. Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

78 **Sec. 4. Retroactivity.** Section 33-46(b)(4), as amended by this Act, must
79 apply retroactively to the death of a member occurring on or after January 1, 2025. A
80 surviving spouse of a member who died on or after January 1, 2025 and before the
81 effective date of this Act may make their election of a benefit under Section 33-
82 46(b)(4) within 60 days after the effective date of this Act. The benefit under this
83 Section 3 becomes payable upon the date the member died.