

Expedited Bill No. 32-25
Concerning: Employees' Retirement
System – Survivor Benefits – Death
During Line of Duty
Revised: 12/9/2025 Draft No. 4
Introduced: October 21, 2025
Enacted: December 9, 2025
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: then-Council President Stewart, Councilmember Friedson, Council Vice President
Balcombe, Council President Fani-González, Councilmember Luedtke, then-Councilmember
Albornoz, and Councilmembers Mink and Sayles

AN EXPEDITED ACT to:

- (1) increase death benefits to spouses of Group F and 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:

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

33-46. Death benefits and designation of beneficiaries.

* * *

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

* * *

(2) [The] Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay death benefits to the spouse or domestic partner and child of a Group F or G member 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, if:

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

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

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

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

(3) [The] Except as provided under paragraph (4) of this subsection (b), the Chief Administrative Officer must pay a benefit to the spouse or domestic partner and children of a Group G member who dies on or after July 1, 2004, or of a Group F member who

dies on or after January 1, 2025, 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 F or G – Line of duty death benefits for surviving spouses or domestic partners and children.

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

(i) upon the death of a Group F member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 25 years of total credited service, as described in Section 33-41, and had elected a 100 percent joint and survivor pension option;

(ii) upon the death of a Group G member, the benefit the spouse or domestic partner and children would have received if the member had terminated employment on the day before the date of death with exactly 20 years of total credited service, as described in Section 33-41, and had elected a 100 percent joint and survivor pension option;

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

54 ~~[[iii]]~~ (iv) if the member died after becoming eligible to
 55 vest or retire, the benefit under subsection (e) of this
 56 section.

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

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

61 (i) becomes payable upon the date the Group F or G
 62 member died; and

63 (ii) must be paid beginning on the first of the month
 64 following the date the [[Group G member died]]
 65 County receives the election of benefit under
 66 subparagraph (A) of this paragraph.

67 * * *

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

70 (1) A surviving spouse, domestic partner, or child who is the
 71 designated beneficiary of a member who died after becoming
 72 eligible to vest or retire, may elect within 60 days after the
 73 member's death a benefit equal to the yearly amount of benefits
 74 that would have been payable if the member had vested or retired
 75 immediately before death and had elected a [100-percent] 100
 76 percent joint and survivor pension option. The payments must
 77 begin on the member's normal retirement date if the member was
 78 eligible for vesting, or immediately if the member was eligible
 79 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.

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

Sec. 5. Construction. This Act must not be construed to: (1) offset, diminish, or alter death benefits provided under a collectively bargained agreement; or (2) reopen a collectively bargained agreement.

Approved:



December 9, 2025

Natali Fani-González, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date