

SENATE BILL No. 42

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-10-6; IC 20-12-19.5-1; IC 36-8.

Synopsis: Death benefits for police officers. Provides that benefits that are provided to the spouse and dependents of a police officer who is killed in the line of duty shall also be paid to the spouse and dependents of a police officer who dies after June 30, 1998, from any cause other than the illegal act of the officer.

Effective: July 1, 1998.

Randolph

January 6, 1998, read first time and referred to Committee on Pensions and Labor.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 42

A BILL FOR AN ACT to amend the Indiana Code concerning police officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-10-10-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Except as
3 provided in subsection (b), a special death benefit of seventy-five
4 thousand dollars (\$75,000) shall be paid in a lump sum from the fund
5 to the following relative of a public safety officer who dies in the line
6 of duty **before July 1, 1998, or who dies after June 30, 1998, from**
7 **any cause other than the illegal act of the public safety officer:**
8 (1) To the surviving spouse.
9 (2) If there is no surviving spouse, to the surviving children (to be
10 shared equally).
11 (3) If there is no surviving spouse and there are no surviving
12 children, to the parent or parents in equal shares.
13 (b) If the fund would be reduced below two hundred fifty thousand
14 dollars (\$250,000) by payment in full of all claims that become final in
15 any month, the board shall proceed as follows:
16 (1) The board shall suspend payment of the claims that become
17 final during that month and the following two (2) months.

1998

IN 42—LS 6183/DI 79+



1 (2) At the end of the suspension period, the board shall pay all
 2 suspended claims. If the fund would be exhausted by payment in
 3 full of all suspended claims, the amount paid to each claimant
 4 shall be prorated.

5 SECTION 2. IC 20-12-19.5-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) The children of:

- 7 (1) regular, paid law enforcement officers,
 8 ~~(2) regular, paid firefighters;~~
 9 ~~(3) volunteer firefighters under IC 36-8-12-2;~~
 10 ~~(4) county police reserve officers, or~~
 11 ~~(5) city police reserve officers who have died from any cause~~
 12 **other than the illegal act of the officer; or**
 13 **(2) regular, paid firefighters or volunteer firefighters under**
 14 **IC 36-8-12-2 who have been killed in the line of duty;**

15 shall not be required to pay tuition or other required fees at any state
 16 supported college, university, or technical school, so long as the
 17 children are under the age of twenty-three (23) and are full-time
 18 students pursuing a prescribed course of study.

19 (b) The surviving spouse of a:

- 20 (1) regular, paid law enforcement officer,
 21 ~~(2) regular, paid firefighter;~~
 22 ~~(3) volunteer firefighter under IC 36-8-12-2;~~
 23 ~~(4) county police reserve officer, or~~
 24 ~~(5) city police reserve officer who has died from any cause~~
 25 **other than the illegal act of the officer; or**
 26 **(2) regular, paid firefighter or volunteer firefighter under**
 27 **IC 36-8-12-2 who has been killed in the line of duty;**

28 may not be required to pay tuition or other required fees at any state
 29 supported college, university, or technical school, so long as the
 30 surviving spouse is pursuing a prescribed course of study at the
 31 institution towards an undergraduate degree.

32 (c) This section applies to the children and surviving spouse of a:

- 33 (1) regular, paid law enforcement officer;
 34 (2) regular, paid firefighter;
 35 (3) volunteer firefighter under IC 36-8-12-2;
 36 (4) county police reserve officer; or
 37 (5) city police reserve officer;

38 if the public safety officer described in ~~this subsection subdivisions~~ **(1)**
 39 **through (5)** was killed in the line of duty before, on, or after July 1,
 40 1993. **However, this section also applies to the children and**
 41 **surviving spouse of a regular, paid law enforcement officer, county**
 42 **police reserve officer, or city police reserve officer if the public**



1 **safety officer died after June 30, 1998, from any cause other than**
 2 **the illegal act of the officer.**

3 SECTION 3. IC 36-8-6-10.1, AS AMENDED BY P.L.40-1997,
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 1998]: Sec. 10.1. (a) If a member dies in the line of duty after
 6 August 31, 1982, **but before July 1, 1998, or if a member dies after**
 7 **June 30, 1998, from any cause other than the illegal act of the**
 8 **member**, the surviving spouse is entitled to an additional monthly
 9 benefit, during the spouse's lifetime, equal to the difference between:

- 10 (1) the benefit to which the member would have been entitled on
 11 the date of the member's death, but no less than fifty percent
 12 (50%) of the monthly wage received by a first class patrolman;
 13 and
 14 (2) the amount received by the spouse under section 9.8(c) of this
 15 chapter.

16 If the surviving spouse remarried before September 1, 1983, and
 17 benefits ceased on the date of remarriage, the benefits for the surviving
 18 spouse shall be reinstated on July 1, 1997, and continue during the life
 19 of the surviving spouse.

20 (b) The children of a spouse receiving benefits under this section
 21 may not receive more than a total of thirty percent (30%) of the
 22 monthly wage received by a first class patrolman. However, this
 23 limitation does not apply to the children of a spouse receiving benefits
 24 under this section who are physically or mentally disabled.

25 (c) For purposes of this section, "dies in the line of duty" means
 26 death that occurs as a direct result of personal injury or illness resulting
 27 from any action that the member, in the member's capacity as a police
 28 officer, is obligated or authorized by rule, regulation, condition of
 29 employment or service, or law to perform in the course of controlling
 30 or reducing crime or enforcing the criminal law.

31 SECTION 4. IC 36-8-6-20 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. (a) A special death
 33 benefit of seventy-five thousand dollars (\$75,000) shall be paid in a
 34 lump sum by the public employees' retirement fund from the pension
 35 relief fund established under IC 5-10.3-11 to the following relative of
 36 a fund member who dies in the line of duty (as defined in section 10.1
 37 of this chapter) **before July 1, 1998, or who dies after June 30, 1998,**
 38 **from any cause other than the illegal act of the fund member:**

- 39 (1) To the surviving spouse.
 40 (2) If there is no surviving spouse, to the surviving children (to be
 41 shared equally).
 42 (3) If there is no surviving spouse and there are no surviving



1 children, to the parent or parents in equal shares.

2 (b) The benefit provided by this section is in addition to any other
3 benefits provided under this chapter.

4 SECTION 5. IC 36-8-7.5-14.1, AS AMENDED BY P.L.2-1996,
5 SECTION 292, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 1998]: Sec. 14.1. (a) If a member dies in the
7 line of duty after August 31, 1982, **but before July 1, 1998, or if a**
8 **member dies after June 30, 1998, from any cause other than the**
9 **illegal act of the member**, the surviving spouse is entitled to an
10 additional monthly benefit, during the spouse's lifetime equal to the
11 difference between:

12 (1) the benefit to which the member would have been entitled on
13 the date of the member's death, but not less than fifty percent
14 (50%) of the monthly wage received by a first class patrolman;
15 and

16 (2) the amount received by the spouse under section 13.8(c) of
17 this chapter.

18 If the spouse remarried before September 1, 1983, benefits ceased on
19 the date of remarriage. However, if a member of the police department
20 dies in the line of duty after August 31, 1982, and the member's
21 surviving spouse remarried before September 1, 1983, the benefits for
22 the surviving spouse shall be reinstated on July 1, 1995, and continue
23 during the life of the surviving spouse.

24 (b) The children of a spouse receiving benefits under this section
25 may not receive more than a total of thirty percent (30%) of the
26 monthly wage received by a first class patrolman. However, this
27 limitation does not apply to the children of a spouse receiving benefits
28 under this section who are physically or mentally disabled.

29 (c) For purposes of this section, "dies in the line of duty" means
30 death that occurs as a direct result of personal injury or illness resulting
31 from any action that the member, in the member's capacity as a police
32 officer, is obligated or authorized by rule, regulation, condition of
33 employment or service, or law to perform in the course of controlling
34 or reducing crime or enforcing the criminal law.

35 SECTION 6. IC 36-8-7.5-22 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 22. (a) A special death
37 benefit of seventy-five thousand dollars (\$75,000) shall be paid in a
38 lump sum by the public employees' retirement fund from the pension
39 relief fund established under IC 5-10.3-11 to the following relative of
40 a fund member who dies in the line of duty (as defined in section 14.1
41 of this chapter) **before July 1, 1998, or who dies after June 30, 1998**
42 **from any cause other than the illegal act of the member:**



1 (1) To the surviving spouse.

2 (2) If there is no surviving spouse, to the surviving children (to be
3 shared equally).

4 (3) If there is no surviving spouse and there are no surviving
5 children, to the parent or parents in equal shares.

6 (b) The benefit provided by this section is in addition to any other
7 benefits provided under this chapter.

8 SECTION 7. IC 36-8-8-14.1, AS AMENDED BY P.L.40-1997,
9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 1998]: Sec. 14.1. (a) Benefits paid under this section are
11 subject to section 2.5 of this chapter.

12 (b) If a fund member dies while receiving retirement or disability
13 benefits, the following apply:

14 (1) Each of the member's surviving children is entitled to a
15 monthly benefit equal to twenty percent (20%) of the fund
16 member's monthly benefit:

17 (A) until the child reaches eighteen (18) years of age; or

18 (B) until the child reaches twenty-three (23) years of age if the
19 child is enrolled in and regularly attending a secondary school
20 or is a full-time student at an accredited college or university;

21 whichever period is longer. However, if the board finds upon the
22 submission of satisfactory proof that a child who is at least
23 eighteen (18) years of age is mentally or physically incapacitated,
24 is not a ward of the state, and is not receiving a benefit under
25 subdivision (1)(B), the child is entitled to receive an amount each
26 month that is equal to the greater of thirty percent (30%) of the
27 monthly pay of a first class patrolman or first class firefighter or
28 fifty-five percent (55%) of the monthly benefit the deceased
29 member was receiving or was entitled to receive on the date of the
30 member's death as long as the mental or physical incapacity of the
31 child continues. Benefits paid for a child shall be paid to the
32 surviving parent as long as the child resides with and is supported
33 by the surviving parent. If the surviving parent dies, the benefits
34 shall be paid to the legal guardian of the child.

35 (2) The member's surviving spouse is entitled to a monthly benefit
36 equal to sixty percent (60%) of the fund member's monthly
37 benefit during the spouse's lifetime. If the spouse remarried before
38 September 1, 1983, and benefits ceased on the date of remarriage,
39 the benefits for the surviving spouse shall be reinstated on July 1,
40 1997, and continue during the life of the surviving spouse.

41 If a fund member dies while receiving retirement or disability benefits,
42 there is no surviving eligible child or spouse, and there is proof



1 satisfactory to the local board, subject to review in the manner
 2 specified in section 13.1(b) of this chapter, that the parent was wholly
 3 dependent on the fund member, the member's surviving parent is
 4 entitled, or both surviving parents if qualified are entitled jointly, to
 5 receive fifty percent (50%) of the fund member's monthly benefit
 6 during the parent's or parents' lifetime.

7 (c) If a fund member dies while on active duty or while retired and
 8 not receiving benefits, the member's children and the member's spouse,
 9 or the member's parent or parents, are entitled to receive a monthly
 10 benefit determined under subsection (b). If the fund member did not
 11 have at least twenty (20) years of service or was not at least fifty-five
 12 (55) years old, the benefit is computed as if the member:

13 (1) did have twenty (20) years of service; and

14 (2) was fifty-five (55) years of age.

15 (d) If a fund member dies in the line of duty after August 31, 1982,
 16 **or if a fund member who is a police officer dies after June 30, 1998,**
 17 **from any cause other than the illegal act of the police officer,** the
 18 member's surviving spouse is entitled to an additional monthly benefit
 19 during the spouse's lifetime, equal to the difference between the benefit
 20 payable under subsection (b)(2) and the benefit to which the member
 21 would have been entitled on the date of the member's death, but not
 22 less than the benefit payable to a member with twenty (20) years
 23 service at fifty-five (55) years of age. If the spouse remarried before
 24 September 1, 1983, and benefits ceased on the date of remarriage, the
 25 benefits for the surviving spouse shall be reinstated on July 1, 1997,
 26 and continue during the life of the surviving spouse. For purposes of
 27 this subsection, "dies in the line of duty" means death that occurs as a
 28 direct result of personal injury or illness resulting from:

29 (1) any action that the member, in the member's capacity as a
 30 police officer, is obligated or authorized by rule, regulation,
 31 condition of employment or service, or law to perform in the
 32 course of controlling or reducing crime or enforcing the criminal
 33 law; or

34 (2) any action that the member, in the member's capacity as a
 35 firefighter, is obligated or authorized by rule, regulation,
 36 condition of employment or service, or law to perform while on
 37 the scene of an emergency run (including false alarms) or on the
 38 way to or from the scene.

39 SECTION 8. IC 36-8-8-20 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. (a) Benefits paid
 41 under this section are subject to section 2.5 of this chapter.

42 (b) A special death benefit of seventy-five thousand dollars



- 1 (\$75,000) shall be paid in a lump sum by the public employees'
2 retirement fund from the pension relief fund established under
3 IC 5-10.3-11 to the following relative of a fund member who dies in the
4 line of duty (as defined in section 14.1 of this chapter) **or who is a**
5 **police officer and who dies after June 30, 1998, from any cause**
6 **other than the illegal act of the officer:**
- 7 (1) To the surviving spouse.
 - 8 (2) If there is no surviving spouse, to the surviving children (to be
9 shared equally).
 - 10 (3) If there is no surviving spouse and there are no surviving
11 children, to the parent or parents in equal shares.
- 12 (c) The benefit provided by this section is in addition to any other
13 benefits provided under this chapter.

