

## SENATE BILL No. 437

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-10-16.

**Synopsis:** Sheriff's line of duty benefit. Provides for a pension benefit for survivors of sheriffs and county police officers who die in the line of duty.

**Effective:** July 1, 2002.

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### Lawson C, Harrison

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January 14, 2002, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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# SENATE BILL No. 437



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

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

1 SECTION 1. IC 36-8-10-16 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16. (a) The department  
3 may establish and operate a dependent's pension benefit for the  
4 payment of pensions to dependent parents, surviving spouses, and  
5 dependent children under eighteen (18) years of age of former  
6 employee beneficiaries. The department may provide these benefits by  
7 the creation of a reserve account, by obtaining appropriate insurance  
8 coverage, or both. However, the department may not establish or  
9 modify a dependent's pension benefit after June 30, 1989, without the  
10 approval of the county fiscal body which shall not reduce or diminish  
11 any dependent's pension benefits that were in effect on January 1, 1989.

12 (b) This subsection applies to survivors of employee beneficiaries  
13 who:

- 14 (1) died before January 1, 1990; and
- 15 (2) were covered by a benefit plan established under this section.

16 The maximum monthly pension payable to dependent parents or  
17 surviving spouses may not exceed two hundred dollars (\$200) per



1 month during the parent's or the spouse's lifetime if the spouse did not  
 2 remarry before September 1, 1984. If the surviving spouse remarried  
 3 before September 1, 1984, benefits ceased on the date of remarriage.  
 4 The maximum monthly pension payable to dependent children is thirty  
 5 dollars (\$30) per child and ceases with the last payment before  
 6 attaining eighteen (18) years of age.

7 (c) This subsection applies to survivors of employee beneficiaries  
 8 who:

9 (1) died after December 31, 1989; and

10 (2) were covered by a benefit plan established under this section.

11 The monthly pension payable to dependent parents or surviving  
 12 spouses must be not less than two hundred dollars (\$200) for each  
 13 month during the parent's or the spouse's lifetime or until the spouse  
 14 remarries. The monthly pension payable to each dependent child must  
 15 be not less than thirty dollars (\$30) for each child and ceases with the  
 16 last payment before attaining eighteen (18) years of age.

17 (d) **Notwithstanding any other provision of this chapter, this**  
 18 **subsection applies to an employee beneficiary who:**

19 (1) **is employed by a department that establishes or has**  
 20 **established a dependent's pension benefit under subsection**  
 21 **(a); and**

22 (2) **dies in the line of duty after June 30, 2002.**

23 **The surviving spouse or surviving dependent parent, if there is no**  
 24 **surviving spouse or dependent child, is entitled to a benefit during**  
 25 **the spouse's or parent's lifetime equal to the greater of the benefit**  
 26 **to which the employee beneficiary would have been entitled on the**  
 27 **date of the employee beneficiary's death or the benefit that would**  
 28 **have been payable to the employee beneficiary if the employee**  
 29 **beneficiary had retired on the employee beneficiary's date of death**  
 30 **with twenty (20) years of service to the department. If there is no**  
 31 **surviving spouse, each of the employee beneficiary's surviving**  
 32 **dependent children is entitled to a monthly benefit, paid jointly to**  
 33 **all of the surviving dependent children, until the child becomes**  
 34 **eighteen (18) years of age. The monthly benefit is equal to the**  
 35 **greater of the benefit to which the employee beneficiary would**  
 36 **have been entitled on the date of the employee beneficiary's death**  
 37 **or the benefit that would have been payable to the employee**  
 38 **beneficiary if the employee beneficiary had retired on the date of**  
 39 **the employee beneficiary's death with twenty (20) years of service**  
 40 **to the department.**

41 (e) The county fiscal body may by ordinance provide an increase in  
 42 the monthly pension of survivors of employee beneficiaries who die

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1 before January 1, 1990. However, the monthly pension that is provided  
2 under this subsection may not exceed the monthly pension that is  
3 provided to survivors whose monthly pensions are determined under  
4 subsection (c).

5 ~~(e)~~ (f) In order to be eligible for a benefit under this section, the  
6 surviving spouse of an employee beneficiary who dies after August 31,  
7 1984, must have been married to the employee beneficiary at the time  
8 of the employee's retirement or death in service.

9 (g) For purposes of subsection (d), "dies in the line of duty"  
10 means that death occurs as a direct result of personal injury or  
11 illness resulting from any action that an employee beneficiary, in  
12 the employee beneficiary's capacity as a sheriff of a county or a  
13 county police officer:

14 (1) is obligated or authorized by rule, regulation, condition of  
15 employment or service, or law to perform; or

16 (2) performs in the course of controlling or reducing crime or  
17 enforcing the criminal law.

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