
HOUSE BILL No. 1444

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-8.

Synopsis: 1977 fund retirement benefits. Provides that a member of the 1977 police officers' and firefighters' pension and disability fund who has completed 20 years of service may retire at 50 years of age instead of 52 years of age. Eliminates the 1977 fund member's election to retire with actuarially reduced benefits. Increases the percentages that apply when calculating a benefit for a 1977 fund member with more than 20 years of service.

Effective: July 1, 2003.

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January 14, 2003, read first time and referred to Committee on Labor and Employment.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1444



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 36-8-8-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) A fund member
 3 is eligible for retirement after ~~he the member~~ has completed twenty
 4 (20) years of active service.
 5 (b) ~~Unless the member is receiving benefits under subsection (c);~~
 6 ~~unreduced~~ Benefits to a retired fund member begin **on the date on**
 7 **which:**
 8 (1) the fund member becomes ~~fifty-two (52)~~ **fifty (50)** years of
 9 age; or
 10 (2) ~~on which~~ the fund member retires;
 11 whichever is later. Benefit payments to a retired fund member under
 12 this subsection begin on the first day of the month on or after the date
 13 ~~he reaches fifty-two (52) on which the member becomes fifty (50)~~
 14 years of age or on which ~~he the member~~ retires, whichever is later.
 15 (c) ~~A retired member may elect to receive actuarially reduced~~
 16 ~~benefits that begin the date:~~
 17 (1) ~~the fund member becomes fifty (50) years of age; or~~



1 ~~(2)~~ on which the fund member retires;
 2 whichever is later. Benefit payments to a retired fund member under
 3 this subsection begin on the first day of the month on or after the day
 4 the member reaches fifty (50) years of age or on which the member
 5 retires, whichever is later.

6 ~~(d)~~ (c) If a fund member:

7 (1) becomes ~~fifty-two (52)~~ years of age in the case of unreduced
 8 benefits or fifty (50) years of age; in the case of reduced benefits;
 9 or

10 (2) retires;

11 on a date other than on the first day of the month, the amount due the
 12 fund member for the initial partial monthly benefit is payable together
 13 with the regular monthly benefit on the first of the month following the
 14 date the fund member becomes ~~fifty-two (52)~~ or fifty (50) years of age
 15 ~~respectively~~; or retires, whichever is later.

16 SECTION 2. IC 36-8-8-11 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) Benefits paid
 18 under this section are subject to section 2.5 of this chapter.

19 (b) Each fund member who qualifies for a retirement benefit
 20 payment under section 10(b) of this chapter is entitled to receive a
 21 monthly benefit equal to fifty percent (50%) of the monthly salary of
 22 a first class patrolman or firefighter in the year the member ended ~~his~~
 23 **the member's** active service plus:

24 (1) for a member who retires before January 1, 1986, two ~~and~~
 25 **one-half** percent ~~(2%)~~ **(2.5%)** of that salary for each full year of
 26 active service; or

27 (2) for a member who retires after December 31, 1985, one ~~and~~
 28 **one-quarter** percent ~~(1%)~~ **(1.25%)** of that salary for each six (6)
 29 months of active service;

30 over twenty (20) years, to a maximum of twelve (12) years.

31 (c) Each fund member who qualifies for a retirement benefit
 32 payment under section ~~10(c)~~ of this chapter is entitled to receive a
 33 monthly benefit equal to fifty percent (50%) of the monthly salary of
 34 a first class patrolman or firefighter in the year the member ended his
 35 active service plus one percent (1%) of that salary for each six (6)
 36 months of active service over twenty (20) years; to a maximum of
 37 twelve (12) years; all actuarially reduced for each month (if any) of
 38 benefit payments prior to fifty-two (52) years of age; by a factor
 39 established by the fund's actuary from time to time.

40 SECTION 3. IC 36-8-8-12, AS AMENDED BY P.L.118-2000,
 41 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2003]: Sec. 12. (a) Benefits paid under this section are subject

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1 to sections 2.5 and 2.6 of this chapter.

2 (b) If an active fund member has a covered impairment, as
3 determined under sections 12.3 through 13.1 of this chapter, the
4 member is entitled to receive the benefit prescribed by section 13.3 or
5 13.5 of this chapter. A member who has had a covered impairment and
6 returns to active duty with the department shall not be treated as a new
7 applicant seeking to become a member of the 1977 fund.

8 (c) If a retired fund member who has not yet reached the member's
9 ~~fifty-second~~ **fiftieth** birthday is found by the PERF board to be
10 permanently or temporarily unable to perform all suitable work for
11 which the member is or may be capable of becoming qualified, the
12 member is entitled to receive during the disability the retirement
13 benefit payments payable at ~~fifty-two (52)~~ **fifty (50)** years of age.
14 During a reasonable period in which a disabled fund member is
15 becoming qualified for suitable work, the member may continue to
16 receive disability benefit payments. However, benefits payable for
17 disability under this subsection are reduced by amounts for which the
18 fund member is eligible from:

19 (1) a plan or policy of insurance providing benefits for loss of
20 time because of disability;

21 (2) a plan, fund, or other arrangement to which the fund member's
22 employer has contributed or for which the fund member's
23 employer has made payroll deductions, including a group life
24 policy providing installment payments for disability, a group
25 annuity contract, or a pension or retirement annuity plan other
26 than the fund established by this chapter;

27 (3) the federal Social Security Act (42 U.S.C. 401 et seq.), the
28 Railroad Retirement Act (45 U.S.C. 231 et seq.), the United States
29 Department of Veterans Affairs, or another federal, state, local, or
30 other governmental agency;

31 (4) worker's compensation payable under IC 22-3; and

32 (5) a salary or wage, including overtime and bonus pay and extra
33 or additional remuneration of any kind, the fund member receives
34 or is entitled to receive from the member's employer.

35 For the purposes of this subsection, a retired fund member is
36 considered eligible for benefits from subdivisions (1) through (5)
37 whether or not the member has made application for the benefits.

38 (d) Notwithstanding any other law, a plan, policy of insurance, fund,
39 or other arrangement:

40 (1) delivered, issued for delivery, amended, or renewed after
41 April 9, 1979; and

42 (2) described in subsection (c)(1) or (c)(2);

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1 may not provide for a reduction or alteration of benefits as a result of
 2 benefits for which a fund member may be eligible from the 1977 fund
 3 under subsection (c).

4 (e) Time spent receiving disability benefits is considered active
 5 service for the purpose of determining retirement benefits until the
 6 fund member has a total of twenty (20) years of service.

7 (f) A fund member who is receiving disability benefits under this
 8 chapter shall be transferred from disability to regular retirement status
 9 when the member becomes ~~fifty-five (55)~~ **fifty (50)** years of age.

10 SECTION 4. IC 36-8-8-13.3, AS AMENDED BY P.L.118-2000,
 11 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2003]: Sec. 13.3. (a) This section applies only to a fund
 13 member who:

- 14 (1) is hired for the first time before January 1, 1990; and
 15 (2) does not choose coverage by sections 12.5 and 13.5 of this
 16 chapter under section 12.4 of this chapter.

17 This section does not apply to a fund member described in section
 18 12.3(c)(2) of this chapter.

19 (b) A fund member:

- 20 (1) who became disabled before July 1, 2000;
 21 (2) **who** is determined to have a covered impairment; and
 22 (3) for whom it is determined that there is no suitable and
 23 available work within the fund member's department, considering
 24 reasonable accommodation to the extent required by the
 25 Americans with Disabilities Act;

26 is entitled to receive during the disability a benefit equal to the benefit
 27 that the fund member would have received if the fund member had
 28 retired. If the disabled fund member does not have at least twenty (20)
 29 years of service or is not at least ~~fifty-two (52)~~ **fifty (50)** years of age,
 30 the benefit is computed and paid as if the fund member had twenty (20)
 31 years of service and was ~~fifty-two (52)~~ **fifty (50)** years of age.

32 (c) Except as otherwise provided in this subsection, a fund member:

- 33 (1) who becomes disabled after July 1, 2000;
 34 (2) who is determined to have a covered impairment that is:

35 (A) the direct result of:

- 36 (i) a personal injury that occurs while the fund member is on
 37 duty;
 38 (ii) a personal injury that occurs while the fund member is
 39 off duty and is responding to an offense or a reported
 40 offense, in the case of a police officer, or an emergency or
 41 reported emergency for which the fund member is trained,
 42 in the case of a firefighter; or

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- 1 (iii) an occupational disease (as defined in IC 22-3-7-10),
 2 including a duty related disease that is also included within
 3 clause (B); or
 4 (B) a duty related disease (for purposes of this section, a "duty
 5 related disease" means a disease arising out of the fund
 6 member's employment; a disease is considered to arise out of
 7 the fund member's employment if it is apparent to the rational
 8 mind, upon consideration of all of the circumstances, that:
 9 (i) there is a connection between the conditions under which
 10 the fund member's duties are performed and the disease;
 11 (ii) the disease can be seen to have followed as a natural
 12 incident of the fund member's duties as a result of the
 13 exposure occasioned by the nature of the fund member's
 14 duties; and
 15 (iii) the disease can be traced to the fund member's
 16 employment as the proximate cause); and
 17 (3) for whom it is determined that there is no suitable and
 18 available work within the fund member's department, considering
 19 reasonable accommodation to the extent required by the
 20 Americans with Disabilities Act;
 21 is entitled to receive during the disability a benefit equal to the benefit
 22 that the fund member would have received if the fund member had
 23 retired. If the disabled fund member does not have at least twenty (20)
 24 years of service or is not at least ~~fifty-two (52)~~ **fifty (50)** years of age,
 25 the benefit is computed and paid as if the fund member had twenty (20)
 26 years of service and was ~~fifty-two (52)~~ **fifty (50)** years of age.
 27 (d) Except as otherwise provided in this subsection, a fund member:
 28 (1) who becomes disabled after July 1, 2000;
 29 (2) who is determined to have a covered impairment that is not a
 30 covered impairment described in subsection (c)(2)(A) or
 31 (c)(2)(B); and
 32 (3) for whom it is determined that there is no suitable and
 33 available work within the fund member's department, considering
 34 reasonable accommodation to the extent required by the federal
 35 Americans with Disabilities Act;
 36 is entitled to receive during the disability a benefit equal to the benefit
 37 that the fund member would have received if the fund member had
 38 retired. If the disabled fund member does not have at least twenty (20)
 39 years of service or is not at least ~~fifty-two (52)~~ **fifty (50)** years of age,
 40 the benefit is computed and paid as if the fund member had twenty (20)
 41 years of service and was ~~fifty-two (52)~~ **fifty (50)** years of age.
 42 (e) Notwithstanding section 12.3 of this chapter and any other

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1 provision of this section, a member who:

- 2 (1) has had a covered impairment;
 3 (2) recovers and returns to active service with the department; and
 4 (3) within two (2) years after returning to active service has an
 5 impairment that except for section 12.3 of this chapter would be
 6 a covered impairment;

7 is entitled to the benefit under this subsection if the impairment
 8 described in subdivision (3) results from the same condition or
 9 conditions (without an intervening circumstance) that caused the
 10 covered impairment described in subdivision (1). The member is
 11 entitled to receive the monthly disability benefit amount paid to the
 12 member at the time of the member's return to active service plus any
 13 adjustments under section 15 of this chapter that would have been
 14 applicable during the member's period of reemployment.

15 SECTION 5. IC 36-8-8-13.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13.5. (a) This section
 17 applies only to a fund member who:

- 18 (1) is hired for the first time after December 31, 1989;
 19 (2) chooses coverage by this section and section 12.5 of this
 20 chapter under section 12.4 of this chapter; or
 21 (3) is described in section 12.3(c)(2) of this chapter.

22 (b) A fund member who is determined to have a Class 1 impairment
 23 and for whom it is determined that there is no suitable and available
 24 work within the fund member's department, considering reasonable
 25 accommodation to the extent required by the Americans with
 26 Disabilities Act, is entitled to a monthly base benefit equal to forty-five
 27 percent (45%) of the monthly salary of a first class patrolman or
 28 firefighter in the year of the local board's determination of impairment.

29 (c) A fund member who is determined to have a Class 2 impairment
 30 and for whom it is determined that there is no suitable and available
 31 work within the fund member's department, considering reasonable
 32 accommodation to the extent required by the Americans with
 33 Disabilities Act, is entitled to a monthly base benefit equal to
 34 twenty-two percent (22%) of the monthly salary of a first class
 35 patrolman or firefighter in the year of the local board's determination
 36 of impairment plus one-half percent (0.5%) of that salary for each year
 37 of service, up to a maximum of thirty (30) years of service.

38 (d) For applicants hired before March 2, 1992, a fund member who
 39 is determined to have a Class 3 impairment and for whom it is
 40 determined that there is no suitable and available work within the fund
 41 member's department, considering reasonable accommodation to the
 42 extent required by the Americans with Disabilities Act, is entitled to a

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1 monthly base benefit equal to the product of the member's years of
 2 service (not to exceed thirty (30) years of service) multiplied by one
 3 percent (1%) of the monthly salary of a first class patrolman or
 4 firefighter in the year of the local board's determination of impairment.

5 (e) For applicants hired after March 1, 1992, or described in section
 6 12.3(c)(2) of this chapter, a fund member who is determined to have a
 7 Class 3 impairment and for whom it is determined that there is no
 8 suitable and available work within the fund member's department,
 9 considering reasonable accommodation to the extent required by the
 10 Americans with Disabilities Act, is entitled to the following benefits
 11 instead of benefits provided under subsection (d):

12 (1) If the fund member did not have a Class 3 excludable
 13 condition under section 13.6 of this chapter at the time the fund
 14 member entered or reentered the fund, the fund member is
 15 entitled to a monthly base benefit equal to the product of the
 16 member's years of service, not to exceed thirty (30) years of
 17 service, multiplied by one percent (1%) of the monthly salary of
 18 a first class patrolman or firefighter in the year of the local board's
 19 determination of impairment.

20 (2) Except as provided in subdivision (5), a fund member is
 21 entitled to receive the benefits set forth in subdivision (1) if:

22 (A) the fund member had a Class 3 excludable condition under
 23 section 13.6 of this chapter at the time the fund member
 24 entered or reentered the fund;

25 (B) the fund member has a Class 3 impairment that is not
 26 related in any manner to the Class 3 excludable condition
 27 described in clause (A); and

28 (C) the Class 3 impairment described in clause (B) occurs after
 29 the fund member has completed four (4) years of service with
 30 the employer after the date the fund member entered or
 31 reentered the fund.

32 (3) Except as provided in subdivision (5), a fund member is not
 33 entitled to a monthly base benefit for a Class 3 impairment if:

34 (A) the fund member had a Class 3 excludable condition under
 35 section 13.6 of this chapter at the time the fund member
 36 entered or reentered the fund; and

37 (B) the Class 3 impairment occurs before the fund member has
 38 completed four (4) years of service with the employer after the
 39 date the fund member entered or reentered the fund.

40 (4) A fund member is not entitled to a monthly base benefit for a
 41 Class 3 impairment if:

42 (A) the fund member had a Class 3 excludable condition under

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- 1 section 13.6 of this chapter at the time the fund member
 2 entered or reentered the fund; and
 3 (B) the Class 3 impairment is related in any manner to the
 4 Class 3 excludable condition.
- 5 (5) If, during the first four (4) years of service with the employer:
 6 (A) a fund member with a Class 3 excludable condition is
 7 determined to have a Class 3 impairment; and
 8 (B) the Class 3 impairment is attributable to an accidental
 9 injury that is not related in any manner to the fund member's
 10 Class 3 excludable condition;
- 11 the member is entitled to receive the benefits provided in
 12 subdivision (1) with respect to the accidental injury. For purposes
 13 of this subdivision, the local board shall make the initial
 14 determination of whether an impairment is attributable to an
 15 accidental injury. The local board shall forward the initial
 16 determination to the director of the PERF board for a final
 17 determination by the PERF board or the PERF board's designee.
- 18 (f) If a fund member is entitled to a monthly base benefit under
 19 subsection (b), (c), (d), or (e), the fund member is also entitled to a
 20 monthly amount that is no less than ten percent (10%) and no greater
 21 than forty-five percent (45%) of the monthly salary of a first class
 22 patrolman or firefighter in the year of the local board's determination
 23 of impairment. The additional monthly amount shall be determined by
 24 the PERF medical authority based on the degree of impairment.
- 25 (g) Benefits for a Class 1 impairment are payable until the fund
 26 member becomes ~~fifty-two (52)~~ **fifty (50)** years of age. Benefits for a
 27 Class 2 and a Class 3 impairment are payable:
- 28 (1) for a period equal to the years of service of the member, if the
 29 member's total disability benefit is less than thirty percent (30%)
 30 of the monthly salary of a first class patrolman or firefighter in the
 31 year of the local board's determination of impairment and the
 32 member has fewer than four (4) years of service; or
 33 (2) until the member becomes ~~fifty-two (52)~~ **fifty (50)** years of
 34 age if the member's benefit is:
- 35 (A) equal to or greater than thirty percent (30%) of the
 36 monthly salary of a first class patrolman or firefighter in the
 37 year of the local board's determination of impairment; or
 38 (B) less than thirty percent (30%) of the monthly salary of a
 39 first class patrolman or firefighter in the year of the local
 40 board's determination of impairment if the member has at least
 41 four (4) years of service.
- 42 (h) Upon becoming ~~fifty-two (52)~~ **fifty (50)** years of age, a fund

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1 member with a Class 1 or Class 2 impairment is entitled to receive the
2 retirement benefit payable to a fund member with:

- 3 (1) twenty (20) years of service; or
4 (2) the total years of service and salary, as of the year the member
5 becomes ~~fifty-two (52)~~ **fifty (50)** years of age, that the fund
6 member would have earned if the fund member had remained in
7 active service until becoming ~~fifty-two (52)~~ **fifty (50)** years of
8 age;

9 whichever is greater.

10 (i) Upon becoming ~~fifty-two (52)~~ **fifty (50)** years of age, a fund
11 member who is receiving or has received a Class 3 impairment benefit
12 that is:

- 13 (1) equal to or greater than thirty percent (30%) of the monthly
14 salary of a first class patrolman or firefighter in the year of the
15 local board's determination of impairment; or
16 (2) less than thirty percent (30%) of the monthly salary of a first
17 class patrolman or firefighter in the year of the local board's
18 determination of impairment if the member has at least four (4)
19 years of service;

20 is entitled to receive the retirement benefit payable to a fund member
21 with twenty (20) years of service.

22 (j) Notwithstanding section 12.3 of this chapter and any other
23 provision of this section, a member who:

- 24 (1) has had a covered impairment;
25 (2) recovers and returns to active service with the department; and
26 (3) within two (2) years after returning to active service has an
27 impairment that, except for section 12.3(b)(3) of this chapter,
28 would be a covered impairment;

29 is entitled to the benefit under this subsection if the impairment
30 described in subdivision (3) results from the same condition or
31 conditions (without an intervening circumstance) that caused the
32 covered impairment described in subdivision (1). The member is
33 entitled to receive the monthly disability benefit amount paid to the
34 member at the time of the member's return to active service plus any
35 adjustments under section 15 of this chapter that would have been
36 applicable during the member's period of reemployment.

37 SECTION 6. IC 36-8-8-13.8, AS ADDED BY P.L.118-2000,
38 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2003]: Sec. 13.8. (a) This section applies to an active or
40 retired member who dies other than in the line of duty (as defined in
41 section 14.1 of this chapter) after August 31, 1982.

42 (b) If a fund member dies while receiving retirement or disability

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benefits, the following apply:

(1) Except as otherwise provided in this subsection, each of the member's surviving children is entitled to a monthly benefit equal to twenty percent (20%) of the fund member's monthly benefit:

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

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

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

If a fund member dies while receiving retirement or disability benefits, there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(b) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) Except as otherwise provided in this subsection, if a fund member dies while on active duty or while retired and not receiving benefits, the member's children and the member's spouse, or the member's parent or parents are entitled to receive a monthly benefit determined under subsection (b). If the fund member did not have at

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1 least twenty (20) years of service or was not at least ~~fifty-two (52)~~ **fifty**
 2 **(50)** years of age, the benefit is computed as if the member:

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

4 (2) was ~~fifty-two (52)~~ **fifty (50)** years of age.

5 SECTION 7. IC 36-8-8-13.9, AS ADDED BY P.L.118-2000,
 6 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 13.9. (a) This section applies to an active member
 8 who died in the line of duty (as defined in section 14.1 of this chapter)
 9 before September 1, 1982.

10 (b) Except as otherwise provided in this subsection, if a fund
 11 member dies in the line of duty, the following apply:

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

15 (A) until the child becomes eighteen (18) years of age; or

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

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

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

40 If there is no surviving eligible child or spouse, and there is proof
 41 satisfactory to the local board, subject to review in the manner
 42 specified in section 13.1(b) of this chapter, that the parent was wholly

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1 dependent on the fund member, the member's surviving parent is
 2 entitled, or both surviving parents if qualified are entitled jointly, to
 3 receive fifty percent (50%) of the fund member's monthly benefit
 4 during the parent's or parents' lifetime.

5 (c) If the fund member did not have at least twenty (20) years of
 6 service or was not at least ~~fifty-two (52)~~ **fifty (50)** years of age, the
 7 benefit under subsection (b) is computed as if the member:

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

9 (2) was ~~fifty-two (52)~~ **fifty (50)** years of age.

10 SECTION 8. IC 36-8-8-14.1, AS AMENDED BY P.L.185-2002,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2003]: Sec. 14.1. (a) Benefits paid under this section are
 13 subject to section 2.5 of this chapter.

14 (b) This section applies to an active member who dies in the line of
 15 duty after August 31, 1982.

16 (c) If a fund member dies in the line of duty after August 31, 1982,
 17 the member's surviving spouse is entitled to a monthly benefit during
 18 the spouse's lifetime, equal to the benefit to which the member would
 19 have been entitled on the date of the member's death, but not less than
 20 the benefit payable to a member with twenty (20) years service at
 21 ~~fifty-two (52)~~ **fifty (50)** years of age. If the spouse remarried before
 22 September 1, 1983, and benefits ceased on the date of remarriage, the
 23 benefits for the surviving spouse shall be reinstated on July 1, 1997,
 24 and continue during the life of the surviving spouse.

25 (d) If a fund member dies in the line of duty, each of the member's
 26 surviving children is entitled to a monthly benefit equal to twenty
 27 percent (20%) of the fund member's monthly benefit:

28 (1) until the child reaches eighteen (18) years of age; or

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

32 whichever period is longer. However, if the board finds upon the
 33 submission of satisfactory proof that a child who is at least eighteen
 34 (18) years of age is mentally or physically incapacitated, is not a ward
 35 of the state, and is not receiving a benefit under subdivision (2), the
 36 child is entitled to receive an amount each month that is equal to the
 37 greater of thirty percent (30%) of the monthly pay of a first class
 38 patrolman or first class firefighter or fifty-five percent (55%) of the
 39 monthly benefit the deceased member was receiving or was entitled to
 40 receive on the date of the member's death as long as the mental or
 41 physical incapacity of the child continues. Benefits paid for a child
 42 shall be paid to the surviving parent as long as the child resides with

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1 and is supported by the surviving parent. If the surviving parent dies,
 2 the benefits shall be paid to the legal guardian of the child.

3 (e) If there is no surviving eligible child or spouse, and there is
 4 proof satisfactory to the local board, subject to review in the manner
 5 specified in section 13.1(b) of this chapter, that the parent was wholly
 6 dependent on the fund member, the member's surviving parent is
 7 entitled, or both surviving parents if qualified are entitled jointly, to
 8 receive fifty percent (50%) of the fund member's monthly benefit
 9 during the parent's or parents' lifetime.

10 (f) If the fund member did not have at least twenty (20) years of
 11 service or was not at least ~~fifty-two (52)~~ **fifty (50)** years old, the benefit
 12 is computed as if the member:

13 (1) did have twenty (20) years of service; and
 14 (2) was ~~fifty-two (52)~~ **fifty (50)** years of age.

15 (g) For purposes of this section, "dies in the line of duty" means
 16 death that occurs as a direct result of personal injury or illness caused
 17 by incident, accident, or violence that results from:

18 (1) any action that the member, in the member's capacity as a
 19 police officer:

20 (A) is obligated or authorized by rule, regulation, condition of
 21 employment or service, or law to perform; or
 22 (B) performs in the course of controlling or reducing crime or
 23 enforcing the criminal law; or

24 (2) any action that the member, in the member's capacity as a
 25 firefighter:

26 (A) is obligated or authorized by rule, regulation, condition of
 27 employment or service, or law to perform; or
 28 (B) performs while on the scene of an emergency run
 29 (including false alarms) or on the way to or from the scene.

30 The term includes a death presumed incurred in the line of duty under
 31 IC 5-10-13.

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