

**LINE-OF-DUTY DEATH BENEFITS FOR PEACE
OFFICERS AND FIREFIGHTERS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah State Retirement and Insurance Benefit Act and the Public Safety Code by amending death benefits provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends line-of-duty lump sum benefit amounts for public safety officers and firefighters;
- ▶ requires an employer to provide continuing health coverage for the surviving spouse and children of a peace officer or firefighter who dies in the line-of-duty under certain circumstances;
- ▶ requires an employer to provide assistance for applying for a death benefit to a surviving spouse of a public safety officer or firefighter; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

- 29 **49-14-501**, as last amended by Laws of Utah 2014, Chapter 15
- 30 **49-14-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 31 **49-15-501**, as last amended by Laws of Utah 2014, Chapter 15
- 32 **49-15-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 33 **49-16-501**, as last amended by Laws of Utah 2011, Chapter 439
- 34 **49-16-502**, as last amended by Laws of Utah 2011, Chapters 366 and 439
- 35 **49-23-503**, as last amended by Laws of Utah 2014, Chapter 15

36 ENACTS:

- 37 **53-17-101**, Utah Code Annotated 1953
- 38 **53-17-102**, Utah Code Annotated 1953
- 39 **53-17-201**, Utah Code Annotated 1953
- 40 **53-17-301**, Utah Code Annotated 1953



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **49-14-501** is amended to read:

44 **49-14-501. Death of active member in Division A -- Payment of benefits.**

45 (1) If an active member of this system enrolled in Division A under Section **49-14-301**
46 dies, benefits are payable as follows:

47 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
48 of death shall receive a lump sum [~~of \$1,000~~] equal to six months of the active member's final
49 average salary and an allowance equal to 30% of the deceased member's final average monthly
50 salary.

51 (b) If the death is not classified by the office as a line-of-duty death, benefits are
52 payable as follows:

53 (i) If the member has accrued less than 10 years of public safety service credit, the
54 beneficiary shall receive the sum of \$1,000 or a refund of the member's member contributions,
55 whichever is greater.

56 (ii) If the member has accrued 10 or more years of public safety service credit at the
57 time of death, the spouse at the time of death shall receive the sum of \$500, plus an allowance
58 equal to 2% of the member's final average monthly salary for each year of service credit

59 accrued by the member up to a maximum of 30% of the member's final average monthly salary.

60 (2) Except as provided under Subsection (1)(b)(i), benefits are not payable to minor
61 children of members covered under Division A.

62 (3) If a benefit is not distributed under this section, and the member has designated a
63 beneficiary, the member's member contributions shall be paid to the beneficiary.

64 (4) (a) A spouse who requests a benefit under this section shall apply in writing to the
65 office.

66 (b) The allowance shall begin on the first day of the month following the month in
67 which the:

68 (i) member died, if the application is received by the office within 90 days of the
69 member's death; or

70 (ii) application is received by the office, if the application is received by the office
71 more than 90 days after the member's death.

72 Section 2. Section ~~49-14-502~~ is amended to read:

73 **49-14-502. Death of active member in Division B -- Payment of benefits.**

74 (1) If an active member of this system enrolled in Division B under Section ~~49-14-301~~
75 dies, benefits are payable as follows:

76 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
77 of death shall receive ~~Ĥ→~~ ;

77a (i) ~~Ĥ→~~ a lump sum [~~of \$1,500~~] equal to six months of the active member's final
78 average salary ~~Ĥ→~~ ; ~~Ĥ→~~ and

78a ~~Ĥ→~~ (ii) ~~Ĥ→~~ an allowance equal to 37.5% of the member's final average monthly salary.

79 (b) If the death is not classified by the office as a line-of-duty death, benefits are
80 payable as follows:

81 (i) If the member has accrued two or more years of public safety service credit at the
82 time of death, the death is considered a line-of-duty death and the ~~Ĥ→~~ [~~benefit shall be paid~~] spouse

82a at the time of death shall receive:

82b (A) a lump sum of \$1,500; and

82c (B) an allowance ~~Ĥ→~~ as

83 provided under Subsection (1)(a) ~~Ĥ→~~ (ii) ~~Ĥ→~~ .

84 (ii) If the member has accrued less than two years of public safety service credit at the
85 time of death, the spouse at the time of death shall receive a refund of the member's member
86 contributions, plus 50% of the member's most recent 12 months' compensation.

87 (c) (i) If the member has accrued two or more years of public safety service credit at
88 the time of death, each of the member's unmarried children to age 18 or dependent unmarried
89 children with a mental or physical disability shall receive a monthly allowance of \$50.

90 (ii) Payments shall be made to the surviving parent or to a duly appointed guardian, or
91 as otherwise provided under Sections 49-11-609 and 49-11-610.

92 (2) In the event of the death of both parents, the spouse's benefit shall be prorated and
93 paid to each of the member's unmarried children to age 18.

94 (3) If a benefit is not distributed under the previous subsections, and the member has
95 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

96 (4) The combined annual payments made to the beneficiaries of any member under this
97 section may not exceed 75% of the member's final average monthly salary.

98 (5) (a) A spouse who requests a benefit under this section shall apply in writing to the
99 office.

100 (b) The allowance shall begin on the first day of the month:

101 (i) following the month in which the member died, if the application is received by the
102 office within 90 days of the member's death; or

103 (ii) following the month in which the application is received by the office, if the
104 application is received by the office more than 90 days after the member's death.

105 Section 3. Section 49-15-501 is amended to read:

106 **49-15-501. Death of active member in Division A -- Payment of benefits.**

107 (1) If an active member of this system enrolled in Division A under Section 49-15-301
108 dies, benefits are payable as follows:

109 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
110 follows:

111 (i) If the member has accrued less than 20 years of public safety service credit, the
112 spouse at the time of death shall receive a lump sum [~~of \$1,000~~] equal to six months of the
113 active member's final average salary and an allowance equal to 30% of the member's final
114 average monthly salary.

115 (ii) If the member has accrued 20 or more years of public safety service credit, the
116 member shall be considered to have retired with an allowance calculated under Section
117 49-15-402 and the spouse at the time of death shall receive the death benefit payable to a
118 spouse at the time of death under Section 49-15-504.

119 (b) If the death is not classified as a line-of-duty death by the office, benefits are
120 payable as follows:

121 (i) If the member has accrued less than 10 years of public safety service credit, the
 122 beneficiary shall receive the sum of \$1,000 or a refund of the member's member contributions,
 123 whichever is greater.

124 (ii) If the member has accrued 10 or more years, but less than 20 years of public safety
 125 service credit at the time of death, the spouse at the time of death shall receive the sum of \$500,
 126 plus an allowance equal to 2% of the member's final average monthly salary for each year of
 127 service credit accrued by the member up to a maximum of 30% of the member's final average
 128 monthly salary.

129 (iii) If the member has accrued 20 or more years of public safety service credit, the
 130 benefit shall be calculated as provided in Subsection (1)(a)(ii).

131 (2) Except as provided under Subsection (1)(b)(i), benefits are not payable to minor
 132 children under Division A.

133 (3) If a benefit is not distributed under this section, and the member has designated a
 134 beneficiary, the member's member contribution shall be paid to the beneficiary.

135 (4) (a) A spouse who requests a benefit under this section shall apply in writing to the
 136 office.

137 (b) The allowance shall begin on the first day of the month following the month in
 138 which the:

139 (i) member died, if the application is received by the office within 90 days of the
 140 member's death; or

141 (ii) application is received by the office, if the application is received by the office
 142 more than 90 days after the member's death.

143 Section 4. Section **49-15-502** is amended to read:

144 **49-15-502. Death of active member in Division B -- Payment of benefits.**

145 (1) If an active member of this system enrolled in Division B under Section **49-15-301**
 146 dies, benefits are payable as follows:

147 (a) If the death is classified by the office as a line-of-duty death, the spouse at the time
 148 of death shall receive ~~the~~ :

148a ~~(i)~~ ~~←~~ ~~→~~ a lump sum ~~[of \$1,500]~~ equal to six months of the active member's final
 149 average salary ~~←~~ ~~→~~ ; ~~←~~ ~~→~~ and

149a ~~→~~ ~~(ii)~~ ~~←~~ ~~→~~ an allowance equal to 37.5% of the member's final average monthly salary.

150 (b) If the death is not classified by the office as a line-of-duty death, and the member
 151 has accrued two or more years of public safety service credit at the time of death, the death is

152 considered line-of-duty and the ~~H~~→ ~~[benefit shall be paid]~~ spouse at the time of death shall
 152a receive:

152b (i) a lump sum of \$1,500; and

152c (ii) an allowance ←~~H~~ as provided under Subsection (1)(a) ~~H~~→ (ii) ←~~H~~ .

153 (c) If the death is not classified by the office as a line-of-duty death, and the member
 154 has accrued less than two years of public safety service credit at the time of death, the spouse at
 155 the time of death shall receive a refund of the member's member contributions, plus 50% of the
 156 member's most recent 12 months' compensation.

157 (d) (i) If the member has accrued two or more years of public safety service credit at
 158 the time of death, each of the member's unmarried children to age 18 or dependent unmarried
 159 children with a mental or physical disability shall receive an allowance of \$50.

160 (ii) Payments shall be made to the surviving parent or to a duly appointed guardian, or
 161 as otherwise provided under Section 49-11-609 or 49-11-610.

162 (2) In the event of the death of both parents, the spouse's benefit shall be prorated and
 163 paid to each of the member's unmarried children to age 18.

164 (3) If a benefit is not distributed under the previous subsections, and the member has
 165 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

166 (4) The combined payments to beneficiaries of any member under this section may not
 167 exceed 75% of the member's final average monthly salary.

168 (5) (a) A spouse who requests a benefit under this section shall apply in writing to the
 169 office.

170 (b) The allowance shall begin on the first day of the month:

171 (i) following the month in which the member died, if the application is received by the
 172 office within 90 days of the member's death; or

173 (ii) following the month in which the application is received by the office, if the
 174 application is received by the office more than 90 days after the member's death.

175 Section 5. Section **49-16-501** is amended to read:

176 **49-16-501. Death of active member in Division A -- Payment of benefits.**

177 (1) If an active member of this system enrolled in Division A under Section 49-16-301
 178 dies, benefits are payable as follows:

179 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
 180 follows:

181 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
 182 at the time of death shall receive a lump sum ~~[of \$1,500]~~ equal to six months of the active

183 member's final average salary and an allowance equal to 30% of the member's final average
184 monthly salary.

185 (ii) If the member has accrued 20 or more years of firefighter service credit, the
186 member shall be considered to have retired with an allowance calculated under Section
187 49-16-402 and the spouse at the time of death shall receive the death benefit payable to a
188 spouse under Section 49-16-504.

189 (b) If the death is not classified as a line-of-duty death by the office, benefits are
190 payable as follows:

191 (i) If the member has accrued less than 10 years of firefighter service credit, the
192 beneficiary shall receive a sum of \$1,000 or a refund of the member's member contributions,
193 whichever is greater.

194 (ii) If the member has accrued 10 or more years of firefighter service credit the spouse
195 at the time of death shall receive a sum of \$500, plus an allowance equal to 2% of the member's
196 final average monthly salary for each year of service credit accrued by the member up to a
197 maximum of 30% of the member's final average monthly salary.

198 (2) (a) If the member dies without a current spouse, the spouse's allowance shall be
199 equally divided and paid to each unmarried child until the child reaches age 21.

200 (b) The payment shall be made to a duly appointed guardian or as provided under
201 Sections 49-11-609 and 49-11-610.

202 (3) If the benefit is not distributed under this section, and the member has designated a
203 beneficiary, the member's member contributions shall be paid to the beneficiary.

204 (4) (a) A spouse who requests a benefit under this section shall apply in writing to the
205 office.

206 (b) The allowance shall begin on the first day of the month:

207 (i) following the month in which the member died, if the application is received by the
208 office within 90 days of the member's death; or

209 (ii) following the month in which the application is received by the office, if the
210 application is received by the office more than 90 days after the member's death.

211 Section 6. Section 49-16-502 is amended to read:

212 **49-16-502. Death of active member in Division B -- Payment of benefits.**

213 (1) If an active member of this system enrolled in Division B under Section 49-16-301

214 dies, benefits are payable as follows:

215 (a) If the death is classified by the office as a line-of-duty death, benefits are payable as
216 follows:

217 (i) If the member has accrued less than 20 years of firefighter service credit, the spouse
218 at the time of death shall receive ~~H→~~ :

218a ~~(A) ←H~~ a lump sum [~~of \$1,500~~] equal to six months of the active
219 member's final average salary ~~H→~~ ; ~~←H~~ and

219a ~~H→~~ ~~(B) ←H~~ an allowance equal to 37.5% of the member's final average
220 monthly salary.

221 (ii) If the member has accrued 20 or more years of firefighter service credit, the
222 member shall be considered to have retired with an allowance calculated under Section
223 49-16-402 and the spouse at the time of death shall receive the death benefit payable to a
224 spouse under Section 49-16-504.

225 (b) If the death is not classified by the office as a line-of-duty death, the benefits are
226 payable as follows:

227 (i) If the member has accrued five or more years of firefighter service credit, the death
228 is considered line-of-duty and the ~~H→~~ [~~same benefits are payable~~] spouse at time of death
228a shall receive:

228b (A) a lump sum of \$1,500; and

228c (B) an allowance ~~←H~~ as established under Subsection

229 (1)(a) ~~H→~~ (i)(B) ←H .

230 (ii) If the member has accrued less than five years of firefighter service credit, the
231 spouse at the time of death shall receive a refund of the member's contributions, plus 50% of
232 the member's most recent 12 months compensation.

233 (c) If the member has accrued five or more years of firefighter service credit, the
234 member's unmarried children until they reach age 21 or dependent unmarried children with a
235 mental or physical disability, shall receive a monthly allowance of \$75.

236 (2) (a) In the event of the death of the member and spouse, the spouse's benefits are
237 equally divided and paid to each unmarried child until the child reaches age 21.

238 (b) The payments shall be made to the surviving parent or duly appointed guardian or
239 as provided under Sections 49-11-609 and 49-11-610.

240 (3) If a benefit is not distributed under the previous subsections, and the member has
241 designated a beneficiary, the member's member contributions shall be paid to the beneficiary.

242 (4) The combined monthly payments made to the beneficiaries of any member under
243 this section may not exceed 75% of the member's final average monthly salary.

244 (5) (a) A spouse who requests a benefit under this section shall apply in writing to the

245 office.

246 (b) The allowance shall begin on the first day of the month:

247 (i) following the month in which the member died, if the application is received by the
248 office within 90 days of the member's death; or

249 (ii) following the month in which the application is received by the office, if the
250 application is received by the office more than 90 days after the member's death.

251 Section 7. Section **49-23-503** is amended to read:

252 **49-23-503. Death of active member in line of duty -- Payment of benefits.**

253 If an active member of this system dies, benefits are payable as follows:

254 (1) If the death is classified by the office as a line-of-duty death, benefits are payable as
255 follows:

256 (a) If the member has accrued less than 20 years of public safety service or firefighter
257 service credit, the spouse at the time of death shall receive a lump sum [~~of \$1,000~~] equal to six
258 months of the active member's final average salary and an allowance equal to 30% of the
259 member's final average monthly salary.

260 (b) If the member has accrued 20 or more years of public safety service or firefighter
261 service credit, the member shall be considered to have retired with an Option One allowance
262 calculated without an actuarial reduction under Section **49-23-304** and the spouse at the time of
263 death shall receive the allowance that would have been payable to the member.

264 (2) (a) A volunteer firefighter is eligible for a line-of-duty death benefit under this
265 section if the death results from external force, violence, or disease directly resulting from
266 firefighter service.

267 (b) The lowest monthly compensation of firefighters of a city of the first class in this
268 state at the time of death shall be considered to be the final average monthly salary of a
269 volunteer firefighter for purposes of computing these benefits.

270 (c) Each volunteer fire department shall maintain a current roll of all volunteer
271 firefighters which meet the requirements of Subsection **49-23-102**(12) to determine the
272 eligibility for this benefit.

273 (3) (a) If the death is classified as a line-of-duty death by the office, death benefits are
274 payable under this section and the spouse at the time of death is not eligible for benefits under
275 Section **49-23-502**.

276 (b) If the death is not classified as a line-of-duty death by the office, benefits are
277 payable in accordance with Section 49-23-502.

278 (4) (a) A spouse who qualifies for a monthly benefit under this section shall apply in
279 writing to the office.

280 (b) The allowance shall begin on the first day of the month following the month in
281 which the:

282 (i) member or participant died, if the application is received by the office within 90
283 days of the date of death of the member or participant; or

284 (ii) application is received by the office, if the application is received by the office
285 more than 90 days after the date of death of the member or participant.

286 Section 8. Section 53-17-101 is enacted to read:

287 **CHAPTER 17. PUBLIC SAFETY OFFICER AND FIREFIGHTER**

288 **LINE-OF-DUTY DEATH ACT**

289 **Part 1. General Provisions**

290 **53-17-101. Title.**

291 This chapter is known as the "Public Safety Officer and Firefighter Line-of-Duty Death
292 Act."

293 Section 9. Section 53-17-102 is enacted to read:

294 **53-17-102. Definitions.**

295 As used in this chapter:

296 (1) "Children" means an unmarried dependent child of a member, including
297 stepchildren and legally adopted children.

298 (2) "Employer" means a law enforcement agency or other state or local government
299 agency that:

300 (a) is a participating employer as defined in Section 49-11-102; and

301 (b) employs one or more public safety service employees or firefighter service
302 employees who are eligible to earn service credit in a Utah Retirement System under Title 49,
303 Utah State Retirement and Insurance Benefit Act.

304 (3) "Member" means the same as that term is defined in Section 49-11-102.

305 Section 10. Section 53-17-201 is enacted to read:

306 **Part 2. Health Coverage for a Surviving Spouse**

307 **53-17-201. Surviving spouse and children health coverage for line-of-duty death.**

308 (1) In accordance with this section, an employer shall provide continuing health
 309 coverage for the surviving spouse and children of a member whose death is classified by the
 310 Utah State Retirement Office as a line-of-duty death under the provisions of Title 49, Utah
 311 State Retirement and Insurance Benefit Act.

312 (2) Unless covered under the provisions of Section [49-20-406](#), a surviving spouse and
 313 children shall receive health coverage, paid for 100% by the employer that employed the
 314 member at the time of death, for:

315 (a) the surviving spouse until remarriage or becoming eligible for Medicare, whichever
 316 comes first; and

317 (b) children up to the age of 26.

318 (3) This section does not apply to a member who:

319 (a) does not qualify for a line-of-duty death benefit under the provisions of Title 49,
 320 Utah State Retirement and Insurance Benefit Act; or

321 (b) at the time of death did not receive or qualify to receive employer provided group
 322 health coverage.

323 Section 11. Section **53-17-301** is enacted to read:

324 **Part 3. Death Benefit Assistance**

325 **53-17-301. Death benefit assistance.**

326 ~~H→~~ **(1) ←H An employer shall H→ notify the governor's office of the line-of-duty death**
 326a **of an active member.**

326b **(2) The governor's office shall ←H ensure that the spouse, at the time of death of the active**
 326c **member, or**
 327 **the beneficiary are provided assistance to understand and apply for any death benefit for which**
 328 **the surviving spouse or beneficiaries may be eligible under this chapter, other Utah law, federal**
 329 **law, or local policy or ordinance.**

Legislative Review Note

as of 2-4-15 1:40 PM

Office of Legislative Research and General Counsel