

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 758**

**By Senator(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

7        SECTION 1. (1) Whenever used in this section, the term:

8            (a) "Employer" means a state board, commission,  
9 department, division, bureau, or agency, or a county, municipality  
10 or other political subdivision of the state, which employs,  
11 appoints or otherwise engages the services of law enforcement  
12 officers.

13            (b) "Law enforcement officer" means any lawfully sworn  
14 officer or employee of the state or any political subdivision of  
15 the state whose duties require the officer or employee to  
16 investigate, pursue, apprehend, arrest, transport or maintain  
17 custody of persons who are charged with, suspected of committing,  
18 or convicted of a crime.

19            (2) (a) The Department of Public Safety shall make a  
20 payment, as provided in this section, in an amount of Twenty-five  
21 Thousand Dollars (\$25,000.00), when a law enforcement officer,  
22 while engaged in the performance of the officer's law enforcement  
23 duties, is accidentally or intentionally killed or receives  
24 accidental or intentional bodily injury that results in the loss  
25 of the officer's life, provided that the killing is not the result  
26 of suicide and that the bodily injury is not intentionally  
27 self-inflicted.

28           (b) The payment provided for under paragraph (a) of  
29 this subsection shall be made to the beneficiary that was  
30 designated in writing by the law enforcement officer, signed by  
31 the officer and delivered to the employer during the officer's  
32 lifetime. If no such designation is made, then the payment shall  
33 be made to the officer's surviving child or children and spouse in  
34 equal portions, and if there is no surviving child or spouse, then  
35 to the officer's parent or parents. If a beneficiary is not  
36 designated and there is no surviving child, spouse or parent, then  
37 the payment shall be made to the officer's estate.

38           (c) The payment made under paragraph (a) of this  
39 subsection is in addition to any workers' compensation or pension  
40 benefits and is exempt from the claims and demands of creditors of  
41 the law enforcement officer.

42           (3) (a) There is established in the State Treasury a  
43 special fund to be known as the Law Enforcement Officers Death  
44 Benefits Fund. The fund shall be funded by an initial  
45 appropriation of Five Hundred Thousand Dollars (\$500,000.00), and  
46 shall be comprised of any additional funds made available by the  
47 Legislature or by donation, contribution, gift or any other  
48 source.

49           (b) The State Treasurer shall invest the monies of the  
50 fund in any of the investments authorized for the funds of the  
51 Public Employees' Retirement System under Section 25-11-121, and  
52 those investments shall be subject to the limitations prescribed  
53 by Section 25-11-121.

54           (c) Unexpended amounts remaining in the fund at the end  
55 of the state fiscal year shall not lapse into the State General  
56 Fund, and any interest earned on amounts in the fund shall be  
57 deposited to the credit of the fund.

58           (4) The Department of Public Safety shall be responsible for  
59 the management of the fund and the disbursement of death benefits  
60 authorized under this section. The Department of Public Safety

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61 shall adopt rules and regulations necessary to implement and  
62 standardize the payment of death benefits under this section, to  
63 administer the death benefits fund created by this act and to  
64 carry out the purposes of this section.

65 SECTION 2. This act shall take effect and be in force from  
66 and after July 1, 1999.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE FOR THE PAYMENT OF DEATH BENEFITS TO THE  
2 SURVIVORS OF LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY;  
3 TO CREATE THE LAW ENFORCEMENT OFFICERS DEATH BENEFITS FUND; TO  
4 PROVIDE FOR THE ADMINISTRATION OF THE FUND BY THE DEPARTMENT OF  
5 PUBLIC SAFETY; AND FOR RELATED PURPOSES.