

IN THE SENATE

SENATE BILL NO. 1096

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1
2 RELATING TO PERSI; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION
3 OF A NEW SECTION 59-1352B, IDAHO CODE, TO PROVIDE FOR PUBLIC SAFETY OF-
4 FICER CATASTROPHIC LINE OF DUTY BENEFITS.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 59-1352B, Idaho Code, and to read as follows:

9 59-1352B. PUBLIC SAFETY OFFICER CATASTROPHIC LINE OF DUTY BENE-
10 FITS. (1) For purposes of this section:

11 (a) "Catastrophic injury" means a sudden, violent, life-threatening,
12 duty-related injury sustained by an active member within the scope of
13 the public safety officer's duties and within the department policy
14 that is due to an externally caused event such as a motor vehicle colli-
15 sion, gunshot wound, aggravated battery, structural collapse, signifi-
16 cant fall, or other external event or events that is not self-inflicted
17 or the result of intoxication; provided, however, that no psychologi-
18 cal injury, disorder, or condition shall be considered a catastrophic
19 injury under this definition. The injury must be of such severity that
20 it causes the loss of ability to maintain certifications required by the
21 state of Idaho, the member's department, or both. The injury shall be
22 supported by evidence of one (1) or more of the following conditions:

23 (i) Total, complete, permanent, and uncorrectable loss of sight
24 in both eyes;

25 (ii) Total, complete, permanent, and uncorrectable loss of hear-
26 ing in both ears;

27 (iii) Total, complete, and permanent loss of the ability to speak;

28 (iv) Total, complete, and permanent loss of the use of one (1) or
29 both feet at or above the ankle;

30 (v) Total, complete, and permanent loss of the use of one (1) or
31 both hands at or above the wrist;

32 (vi) Injury to the spine that results in a total, permanent, and
33 complete paralysis of both arms, both legs, or one (1) arm and one
34 (1) leg; or

35 (vii) An externally caused, physical traumatic injury to the brain
36 that renders the member physically or mentally unable to perform
37 the duties of a public safety officer.

38 (b) "Catastrophic line of duty benefits" means benefits payable to a
39 public safety officer who sustains a catastrophic injury pursuant to
40 this section.

1 (c) "Public safety officer" means a police officer member as set forth
2 in section 59-1303, Idaho Code, or a firefighter member as set forth in
3 section 59-1302(16), Idaho Code.

4 (2) A public safety officer who sustains a catastrophic injury as set
5 forth in this section is eligible for:

6 (a) A onetime permanent catastrophic injury benefit in the amount of
7 five hundred thousand dollars (\$500,000); and

8 (b) An ongoing annual benefit in an amount not less than seventy-five
9 thousand dollars (\$75,000) per year, to be adjusted every four (4) years
10 pursuant to an actuarial study to determine the change in average public
11 safety officer benefits over the previous four (4) years.

12 (3) In the event a public safety officer receiving the catastrophic
13 line of duty benefit as set forth in this section dies and leaves a surviving
14 spouse to whom the member was married at the time of the catastrophic injury,
15 such surviving spouse shall receive the catastrophic line of duty benefit
16 for the duration of such spouse's life to which the public safety officer
17 would have been entitled.

18 (4) The benefits payable under this section shall not be subject to
19 Idaho state income tax.

20 (5) A public safety officer who seeks to obtain benefits under this sec-
21 tion shall apply to the retirement board within twelve (12) months of the
22 date of the incident resulting in the public safety officer's catastrophic
23 injury. No benefit shall be payable unless the retirement board determines
24 eligibility pursuant to the requirements of this section. A public safety
25 officer's refusal to submit to a medical examination ordered by the board be-
26 fore the commencement of a catastrophic line of duty benefit or at any rea-
27 sonable time thereafter shall constitute proof that the member is not eligi-
28 ble for the benefits provided for in this section.

29 (6) The benefits provided for in this section shall not be in addition
30 to other benefits under this chapter.

31 (7) If a public safety officer who qualifies for benefits provided for
32 in this section again becomes an employee in a nonpublic safety officer po-
33 sition as defined in sections 59-1302(14) and (16) and 59-1303, Idaho Code,
34 as a result of returning to employment with an employer as defined in section
35 59-1302(15), Idaho Code, the public safety officer may elect to continue re-
36 ceiving benefits and not accrue additional service. In such circumstance,
37 no contributions shall be made by the member during such reemployment and the
38 public safety officer catastrophic line of duty benefit payable on the be-
39 half of the member shall continue.

40 (8) It is the intent of the legislature that this benefit shall be
41 funded solely by public safety officers in perpetuity and not by an employer
42 as defined in section 59-1302(15), Idaho Code. Therefore, the costs asso-
43 ciated with providing this benefit as determined by the board shall be paid
44 solely by public safety officers. An actuarial cost analysis of the benefit
45 will be performed every four (4) years by the board.