

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 24-27—sSB 341

Public Safety and Security Committee

AN ACT ESTABLISHING A FALLEN OFFICER FUND AND PROVIDING HEALTH INSURANCE COVERAGE TO SURVIVORS OF A POLICE OFFICER KILLED IN THE LINE OF DUTY

SUMMARY: This act codifies a policy of the state comptroller by establishing the “Fallen Officer Fund” to, within available appropriations, give a lump sum death benefit totaling \$100,000 to a surviving family member or beneficiary of a police officer who was killed in the line of duty or sustained injuries that were the direct or proximate cause of the officer’s death. (The FY 24-25 Budget appropriated \$500,000 in each of these fiscal years to the comptroller’s operating expenses account to provide money for the fund.) It requires the comptroller to (1) adopt implementing regulations and (2) annually report on the fund to the Public Safety and Security Committee.

Under the act, this benefit payment is exempt from the state income tax and must not be reduced or offset due to other benefits that may be awarded (e.g., workers’ compensation).

The act also allows certain survivors who were covered by a municipal police officer’s health care benefit plan at the time of the officer’s death, to apply for or keep the coverage for one year after an officer’s death and to then renew the coverage annually for up to five years.

Lastly, the act makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the provisions establishing the fund and state tax exemption are effective upon passage, and the tax exemptions are applicable to tax years starting on or after January 1, 2024.

FALLEN OFFICER FUND

The act establishes the “Fallen Officer Fund” as a non-lapsing fund that contains any money required by law to be deposited into it. The treasurer must hold the money separate and apart from other money, funds, and accounts. The interest from fund investments must be credited to the fund. The comptroller may expend funds as payment to the surviving family and to reimburse municipalities (i.e., the employer) for insurance premiums paid on the surviving family’s behalf (see below).

Under the act, the “surviving family” is a surviving spouse, surviving child (whether dependent or not), or surviving parent of a police officer killed in the line of duty, or the most recently listed surviving beneficiary on file with the officer’s employing law enforcement unit.

“Killed in the line of duty” is a police officer’s death while performing his or her duties, resulting from an incident, accident, or violence that caused the death or

OLR PUBLIC ACT SUMMARY

caused injuries that were its direct or proximate cause, including any death that is determined to be occupationally related by a workers' compensation insurance carrier, an employer to whom a certificate of self-insurance has been issued, or an administrative law judge for workers' compensation purposes. It does not include the death of a police officer through the officer's own wanton or willful act.

Payment

Under the act, when the comptroller receives notice, in a manner he prescribes, from a surviving family member of a police officer killed in the line of duty, he must, within available appropriations, pay a lump sum death benefit totaling \$100,000 from the fund to the surviving family. The act limits each surviving family to one lump sum death benefit and requires payments to be made in the order in which notices are received until the amount in the fund is depleted.

The act specifies that this payment is in addition to any other benefits the officer's surviving family members are eligible for and the payments must not be reduced or offset because of these benefits (e.g., workers' compensation or other survivor benefits).

Legislative Report

Starting by July 1, 2025, the act requires the comptroller to annually report to the Public Safety and Security Committee a list of all fund expenditures for the prior year, the fund's current balance, and information on additional amounts needed for the fund.

Regulations and Policies and Procedures

The act requires the comptroller to adopt implementing regulations. This includes application procedures and criteria for awarding grants among surviving family members, with priority given to awards benefiting an officer's dependent child or children and spouse. The comptroller may implement policies and procedures needed to implement the act while in the process of adopting these regulations, as long as he posts a notice of intent to adopt regulations on the eRegulations system within 20 days after implementing the policies and procedures. These policies and procedures are valid until regulations are adopted.

Under the act, a "dependent child" is a police officer's child, whether by blood or adoption, who is:

1. under age 22 and (a) was dependent on the officer's earnings at the time of the officer's death, (b) does not provide more than half of his or her own support, and (c) is not married or legally adopted by another person; or
2. any age and is physically or mentally incapacitated and dependent on the officer's earnings at the time of the officer's death.

HEALTH INSURANCE

OLR PUBLIC ACT SUMMARY

Existing law requires the comptroller to offer “partnership plans” (i.e., health care benefit plans) to nonstate public employers and nonprofit employers.

The act requires a nonstate public employer that provided coverage under a partnership plan to a police officer who is killed in the line of duty to continue to provide the coverage to the survivors who were covered under the plan at the time of the officer’s death. The coverage must continue for one year after the officer’s death and may be renewed annually for up to five years. The nonstate public employer must facilitate the coverage continuation and renewal.

Under the act, a nonstate public employer that did not provide coverage under a partnership plan to a police officer who is killed in the line of duty must apply for coverage under a partnership plan for, and at the request of, the survivors who were receiving health care benefit coverage through a plan offered to the officer at the time of the officer’s death. The comptroller must accept the application on the terms and conditions applicable to the partnership plan for enrollment and coverage of the survivors for one year. The enrollment and coverage may be renewed annually for up to five years. The nonstate public employer must facilitate initiation and renewal of the enrollment and coverage. Additionally, if the employer does not include all of its employees in its application for coverage because of this coverage application, the comptroller must not forward the employer’s application to a health care actuary.

The act exempts anyone who is receiving this coverage from having to pay monthly premiums for these plans and requires the comptroller to reimburse, from the Fallen Officer Fund, any employer making these premium payments.

BACKGROUND

Law Enforcement Units and Police Officers

By law, a “law enforcement unit” is any state or municipal agency or department (or certain tribal police departments created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

“Police officers” are sworn members of an organized local police department or the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; or any members of a law enforcement unit who perform police duties (CGS § 7-294a).