

## **IC 5-10-10**

### **Chapter 10. Special Death Benefit Fund**

#### **IC 5-10-10-1**

##### **"Board"**

Sec. 1. As used in this chapter, "board" refers to the board of trustees of the Indiana public retirement system.

*As added by P.L.44-1988, SEC.1. Amended by P.L.35-2012, SEC.25.*

#### **IC 5-10-10-1.5**

##### **"Correctional officer"**

Sec. 1.5. As used in this chapter, "correctional officer" includes:

- (1) a county jail officer under IC 11-12-4-4;
- (2) a person who has received a correctional officer training certificate under IC 11-8-2-8;
- (3) a prison matron or an assistant prison matron under IC 36-8-10-5;
- (4) any other person whose duties include the daily or ongoing supervision and care of persons who are lawfully detained (as defined in IC 35-31.5-2-186) in a facility operated by the state or a political subdivision of the state; and
- (5) a hazardous duty employee of the department of correction who:
  - (A) works within a prison or juvenile facility; or
  - (B) performs parole or emergency response operations and functions.

*As added by P.L.42-1991, SEC.1. Amended by P.L.8-2006, SEC.1; P.L.114-2012, SEC.13.*

#### **IC 5-10-10-2**

##### **"Dies in the line of duty"**

Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that the public safety officer, in the public safety officer's capacity as a public safety officer, is obligated or authorized by rule, regulation, condition of employment or service, or law to perform in the course of controlling or reducing crime or enforcing the criminal law. For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13.

(b) This subsection applies to a public safety officer who is eligible for a special death benefit under section 4.8 of this chapter. "Dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness caused by an incident, accident, or violence that results from any action that the public safety officer, in the public safety officer's capacity as a public safety officer:

- (1) is obligated or authorized by rule, regulation, condition of

employment or service, or law to perform; or  
(2) performs during an emergency run.  
*As added by P.L.44-1988, SEC.1. Amended by P.L.52-1993, SEC.1;  
P.L.185-2002, SEC.2; P.L.62-2015, SEC.1.*

### **IC 5-10-10-3**

#### **"Fund"**

Sec. 3. As used in this chapter, "fund" refers to the special death benefit fund.

*As added by P.L.44-1988, SEC.1.*

### **IC 5-10-10-4**

#### **"Public safety officer"**

Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state educational institution police officer appointed under IC 21-39-4.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.
- (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
  - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
  - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- (15) A firefighter who is employed by the fire department of a state university.
- (16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.
- (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (18) A gaming agent of the Indiana gaming commission.
- (19) A person who is:
  - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
  - (B) appointed as a special deputy under IC 36-8-10-10.6.
- (20) A school corporation police officer appointed under

IC 20-26-16.

(21) A gaming control officer of the Indiana gaming commission.

(22) An eligible chaplain who meets the requirements of section 4.7 of this chapter.

(23) A community corrections officer.

(24) An eligible emergency medical services provider who meets the requirements of section 4.8 of this chapter.

*As added by P.L.44-1988, SEC.1. Amended by P.L.42-1991, SEC.2; P.L.52-1993, SEC.2; P.L.66-2000, SEC.1; P.L.246-2001, SEC.1; P.L.56-2003, SEC.1; P.L.10-2005, SEC.1; P.L.227-2005, SEC.3; P.L.170-2005, SEC.16; P.L.1-2006, SEC.96; P.L.43-2006, SEC.1; P.L.2-2007, SEC.84; P.L.132-2007, SEC.4; P.L.227-2007, SEC.56; P.L.3-2008, SEC.26; P.L.115-2008, SEC.2; P.L.158-2013, SEC.78; P.L.62-2015, SEC.2.*

#### **IC 5-10-10-4.5**

##### **Special death benefits coverage purchased for eligible officers**

Sec. 4.5. (a) As used in this section, "eligible officer" means a police officer or firefighter whose employer purchases coverage under this section.

(b) As used in this section, "employer" means:

(1) with respect to a police officer:

(A) a postsecondary educational institution, other than a state educational institution, that appoints a police officer under IC 21-17-5; or

(B) an operator that employs the police officer under IC 8-22-3-34(b); or

(2) with respect to a firefighter:

(A) a postsecondary educational institution, other than a state educational institution, located in Indiana that:

(i) maintains a fire department;

(ii) employs firefighters for the fire department; and

(iii) is accredited by the North Central Association; or

(B) an operator that enters into an operating agreement under IC 5-23 for the operation of a public use airport that:

(i) maintains a fire department; and

(ii) employs firefighters for the fire department.

(c) If an employer purchases coverage for an eligible officer, the eligible officer is eligible for a special death benefit from the fund in the same manner that any other public safety officer is eligible for a special death benefit from the fund. The cost of the coverage shall be one hundred dollars (\$100) for each eligible officer annually. The cost of the coverage shall be paid to the board for deposit in the fund.

(d) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible officers of the employer. The board shall allow an employer to purchase coverage by making quarterly payments on dates prescribed by the board.

*As added by P.L.10-2005, SEC.2. Amended by P.L.43-2006, SEC.2; P.L.2-2007, SEC.85.*

#### **IC 5-10-10-4.7**

##### **Special death benefit for eligible chaplain**

Sec. 4.7. (a) As used in this section, "eligible chaplain" means an individual who is appointed or officially designated to serve, with or without compensation, as a chaplain of any of the following:

- (1) A law enforcement agency (as defined in IC 4-33-2-11.6).
- (2) A full-time police department of a political subdivision (as defined in IC 36-1-2-13).
- (3) A full-time fire department of a political subdivision (as defined in IC 36-1-2-13).
- (4) A volunteer fire department (as defined in IC 36-8-12-2).
- (5) A sheriff's department of a county.

(b) An eligible chaplain who dies as a direct result of personal injury or illness resulting from the eligible chaplain's performance of duties as a chaplain for the agency or department that the eligible chaplain was appointed or officially designated to serve is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund.

*As added by P.L.115-2008, SEC.3.*

#### **IC 5-10-10-4.8**

##### **Special death benefits coverage purchased for eligible emergency medical services providers**

Sec. 4.8. (a) As used in this section, "eligible emergency medical services provider" means an emergency medical services provider who is employed by a person that has contracted with a political subdivision to provide emergency medical services for the political subdivision.

(b) As used in this section, "emergency medical services" has the meaning set forth in IC 16-49-1-5.

(c) As used in this section, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

(d) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(e) If an employer purchases coverage for an eligible emergency medical services provider, the eligible emergency medical services provider who dies as a direct result of personal injury or illness resulting from the eligible emergency medical services provider's performance of duties under a contract entered into by the emergency medical services provider's employer to provide emergency medical services for a political subdivision is eligible for a special death benefit from the fund in the same manner as any other public safety officer is eligible for a benefit from the fund. The cost of the coverage must be one hundred dollars (\$100) annually for each eligible emergency medical services provider paid by the emergency

medical services provider's employer. The cost of the coverage shall be paid to the board for deposit into the fund.

(f) If an employer elects to provide coverage under this section, the employer must purchase coverage for all eligible emergency medical services providers of the employer. An employer who elects to purchase coverage under this section must purchase coverage by making annual payments as prescribed by the board.

*As added by P.L.62-2015, SEC.3. Amended by P.L.193-2016, SEC.2.*

#### **IC 5-10-10-5**

##### **Establishment of fund; source of funding; administration; investments; reversion**

Sec. 5. (a) The special death benefit fund is established for the purpose of paying lump sum death benefits under section 6 of this chapter. The fund consists of the fees remitted to the board under IC 35-33-8-3.2 and section 4.5 of this chapter. The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(b) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the board's other funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.44-1988, SEC.1. Amended by P.L.1-1990, SEC.58; P.L.107-1998, SEC.1; P.L.10-2005, SEC.3; P.L.1-2006, SEC.97.*

#### **IC 5-10-10-6**

##### **Special death benefits; suspension of payment**

Sec. 6. (a) Except as provided in subsection (b), a special death benefit of seventy-five thousand dollars (\$75,000) for a public safety officer who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a public safety officer who dies in the line of duty after December 31, 1997, shall be paid in a lump sum from the fund to the following relative of a public safety officer who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(b) If the fund would be reduced below two hundred fifty thousand dollars (\$250,000) by payment in full of all claims that become final in any month, the board shall proceed as follows:

- (1) The board shall suspend payment of the claims that become final during that month and the following two (2) months.
- (2) At the end of the suspension period, the board shall pay all suspended claims. If the fund would be exhausted by payment

in full of all suspended claims, the amount paid to each claimant shall be prorated.

*As added by P.L.44-1988, SEC.1. Amended by P.L.42-1991, SEC.3; P.L.53-1993, SEC.1; P.L.49-1998, SEC.1.*

#### **IC 5-10-10-6.5**

##### **Payment of special death benefits to surviving spouse**

Sec. 6.5. Notwithstanding section 6 of this chapter, the amount of the special death benefit payable under this chapter, as amended by P.L.66-2000, to the surviving spouse of a probation officer who died in the line of duty after April 27, 1997, and before January 1, 1998, is one hundred fifty thousand dollars (\$150,000).

*As added by P.L.220-2011, SEC.70.*

#### **IC 5-10-10-7**

##### **Other benefits; effect**

Sec. 7. The special death benefit provided by this chapter is in addition to any other benefits provided by state or federal law.

*As added by P.L.44-1988, SEC.1.*