

**61.315 Benefits payable on death of certain peace officers, firefighters, correctional officers, jailers, and members of a state National Guard or Reserve component -- Administrative regulations -- Estates to be exempted from probate fees -- Funds allotted to a self-insuring account.**

- (1) As used in this section, "police officer" means every paid police officer, sheriff, or deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, elected to office, or employed by any county, airport board created pursuant to KRS Chapter 183, city, or by the state; "firefighter" means every paid firefighter or volunteer firefighter who is employed by or volunteers his or her services to the state, airport board created pursuant to KRS Chapter 183, any county, city, fire district, or any other organized fire department recognized, pursuant to KRS 95A.262, as a fire department operated and maintained on a nonprofit basis in the interest of the health and safety of the inhabitants of the Commonwealth and shall include qualified civilian firefighters employed at Kentucky-based military installations.
- (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-county correctional officer with the power of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, or any citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088, firefighter, or member of the Kentucky National Guard on state active duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve component on federal active duty under Title 10 or 32 of the United States Code who names Kentucky as home of record for military purposes, whose death occurs on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving children, which sum shall be paid by the State Treasurer from the general expenditure fund of the State Treasury. If there are surviving children and a surviving spouse, the payment shall be apportioned equally among the surviving children and the spouse. If there is no surviving spouse, the payment shall be made to the surviving children, eighteen (18) or more years of age. For surviving children less than eighteen (18) years of age, the State Treasurer shall:
  - (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
  - (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts at appropriate interest rates for each surviving child until the child reaches the age of eighteen (18) years.

If a child dies before reaching the age of eighteen (18) years, his or her account shall be paid to his or her estate. If there are no surviving children, the payment shall be made to any parents of the deceased.

- (3) The Commission on Fire Protection Personnel Standards and Education shall be authorized to promulgate administrative regulations establishing criteria and

procedures applicable to the administration of this section as it pertains to both paid and volunteer firefighters, including but not limited to defining when a firefighter has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.

- (4) The Justice and Public Safety Cabinet may promulgate administrative regulations establishing criteria and procedures applicable to the administration of this section as it pertains to police officers, any metropolitan or urban-county correctional officers with the power of a peace officer pursuant to KRS 446.010, or any jailers or deputy jailers, including but not limited to defining when one has died in line of duty. Administrative hearings promulgated by administrative regulation under authority of this subsection shall be conducted in accordance with KRS Chapter 13B.
- (5) The Department of Corrections shall promulgate administrative regulations establishing the criteria and procedures applicable to the administration of this section as it pertains to correctional employees, including but not limited to defining which employees qualify for coverage and which circumstances constitute death in the line of duty.
- (6) The estate of anyone whose spouse or surviving children would be eligible for benefits under subsection (2) of this section, and the estate of any regular member of the United States Armed Forces who names Kentucky as home of record for military purposes whose death occurs as a direct result of an act in the line of duty, shall be exempt from all probate fees, including but not limited to those established by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or imposed under KRS 24A.185, 64.012, and 172.180.
- (7) The benefits payable under this section shall be in addition to any benefits now or hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's, or National Guard or Reserve retirement or benefit fund established by the federal government or by any state, county, or any municipality.
- (8) Any funds appropriated for the purpose of paying the death benefits described in subsection (2) of this section shall be allotted to a self-insuring account. These funds shall not be used for the purpose of purchasing insurance.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 46, sec. 1, effective July 12, 2012. -- Amended 2007 Ky. Acts ch. 85, sec. 128, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 252, Pt. XXVIII, sec. 12, effective April 25, 2006. -- Amended 2002 Ky. Acts ch. 289, sec. 1, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 117, sec. 1, effective July 15, 1996; and ch. 318, sec. 28, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 48, sec. 3, effective July 14, 1992; ch. 294, sec. 1, effective April 9, 1992; ch. 307, sec. 10, effective April 9, 1992; and ch. 381, sec. 8, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 225, sec. 26, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 135, sec. 1, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 247, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 250, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 344, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 164, sec. 4, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 35, sec. 1. -- Created 1972 Ky. Acts ch. 8, sec. 1.

**Legislative Research Commission Note** (4/25/2006). 2006 Ky. Acts ch. 252, Pt. XXVIII, sec. 17, provides that the amendments made to subsections (2) and (6) of this section "shall apply retroactively to July 1, 2002."

**Legislative Research Commission Note** (1988). Although this section was included in 1988 Acts ch. 225, sec. 26, the amended language was deleted by committee amendment.