

HOUSE BILL No. 2902

By Committee on Judiciary

2-14

9 AN ACT concerning law enforcement officers; enacting the law enforce-
10 ment family support act.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) This act may be cited as the law enforcement officer
14 family support act.

15 (b) As used in this act:

16 (1) "Administering agency" means the Kansas commission on peace
17 officers' standards and training created by K.S.A. 74-5606, and amend-
18 ments thereto.

19 (2) "Duty-related cause" means any of the following which happens
20 to a law enforcement officer while acting in the line of duty: Injury caused
21 by the criminal act of another, injury from a motor vehicle or other ac-
22 cident, contracting of a contagious disease or injury caused by exposure
23 to a hazardous material. "Duty-related cause" does not include any injury
24 to a law enforcement officer while such officer is engaged in a criminal
25 act, intoxicated, performing law enforcement actions in a grossly negligent
26 manner or acting to intentionally cause harm to the officer's self.

27 (3) "Immediate family" means the law enforcement officer's spouse,
28 any child of the officer who was living in the officer's home at the time
29 of the officer's injury or death and any child of the officer for whom the
30 officer was providing health insurance coverage or child support at the
31 time of the officer's death or injury.

32 (4) "In the line of duty" means: (A) While the law enforcement officer
33 is on duty with a law enforcement agency; or (B) while the law enforce-
34 ment officer is off duty and is engaged in the investigation of criminal
35 activity, aiding a person suffering from or in danger of physical injury or
36 performing a law enforcement action, traffic control action or rescue
37 action.

38 (5) "Law enforcement officer" has the meaning provided by K.S.A.
39 74-5602, and amendments thereto.

40 (6) "On duty" means: (A) For an officer who is paid on an hourly
41 basis, during the period between the times when the officer begins and
42 ends an assignment by the law enforcement agency and for which the
43 officer is being paid; and (B) for a salaried officer, during the period

1 between the times when the officer begins and ends the officer's normal
2 working hours or at other times while the officer is actually engaged in
3 work performed directly for the law enforcement agency.

4 (7) "Permanent and total disability" means a disability: (A) Which
5 renders a law enforcement officer unable to work as such an officer or at
6 any other employment; and (B) from which such officer is unlikely to
7 recover, as determined as follows: An assessment and determination shall
8 be made by a physician selected by the officer, or by the officer's closest
9 relative if the officer is mentally incapacitated, and by a second physician
10 selected by the administering agency. If the two physicians do not agree
11 on the determination of disability, the opinion of a third physician selected
12 by the administering agency shall be obtained.

13 (c) Subject to appropriations, the following benefits shall be provided
14 in the case of the death of a law enforcement officer from a duty-related
15 cause:

16 (1) A \$100,000 cash payment to the officer's immediate family, if any,
17 within 45 days after the officer's death;

18 (2) health insurance coverage for the officer's immediate family un-
19 der the state employees' group health insurance plan, at no cost to the
20 family, which coverage shall continue for the spouse until such time as
21 the spouse remarries and for a child for the period provided by the state
22 employees' group health insurance plan for a state employee's child;

23 (3) reimbursement of expenses of attendance at a licensed child care
24 facility by any child in the officer's immediate family who is under the
25 age of 15 years if the child's attendance at such facility is necessary due
26 to the employment of the officer's surviving spouse;

27 (4) reimbursement of mileage, and other actual and necessary ex-
28 penses, incurred in travel to attend the state and national law enforcement
29 memorial ceremonies at which the officer's name will be added to the
30 memorial, which reimbursement shall be determined in accordance with
31 rules and regulations of the secretary of administration for employees in
32 the executive branch; and

33 (5) reimbursement of the cost of books, equipment and materials
34 required for the postsecondary undergraduate education of any child in
35 the officer's immediate family.

36 (d) Subject to appropriations, the following benefits shall be provided
37 in the case of the permanent and total disability of a law enforcement
38 officer from a duty-related cause:

39 (1) A \$100,000 cash payment to the officer, or the officer's closest
40 relative if the officer is mentally incapacitated, within 45 days after the
41 later of the officer's last day on the law enforcement agency's payroll or
42 the receipt by the administering agency's of the physician's (or physi-
43 cians') determination of the officer's permanent and total disability;

- 1 (2) health insurance coverage for the officer and the officer's im-
2 mediate family under the state employees' group health insurance plan,
3 at no cost to the family, which coverage shall continue for the spouse as
4 long as the marriage continues and for a child for the period provided for
5 the child of a state employee who participates in the state employees'
6 group health insurance plan;
- 7 (3) reimbursement of expenses of attendance at a licensed child care
8 facility by any child in the officer's immediate family who is under the
9 age of 15 years if the child's attendance at such facility is necessary due
10 to the employment of the officer's spouse; and
- 11 (4) reimbursement of the cost of books, equipment and materials
12 required for the postsecondary undergraduate education of any child in
13 the officer's immediate family.
- 14 (e) The benefits described in subsection (d) shall cease if the officer
15 recovers to a degree that the officer no longer has permanent and total
16 disability.
- 17 (f) The provisions of this section shall be administered by the Kansas
18 commission on peace officers' standards and training created by K.S.A.
19 74-5606, and amendments thereto. The commission shall determine qual-
20 ifications for the benefits provided for by this section and the determi-
21 nation of the commission shall be final and unappealable. The commission
22 shall adopt rules and regulations to implement and administer the pro-
23 visions of this section.
- 24 Sec. 2. This act shall take effect and be in force from and after its
25 publication in the statute book.