

**JUSTICE AND PUBLIC SAFETY CABINET
(Amendment)**

500 KAR 1:010. Definitions for 500 KAR Chapter 1.

RELATES TO: KRS 61.315, 83A.087, 87A.088, 183.881, 446.010

STATUTORY AUTHORITY: KRS 61.315(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.315(2) authorizes payment to the surviving spouse and surviving children or parents of a police officer who dies in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations establishing criteria and procedures for death benefits for police officers as defined in KRS 61.315(1)(a) who die in the line of duty. KRS 61.315(4) authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations applicable to the administration of payments, including defining when one has died in the line of duty. This administrative regulation establishes the definitions used in 500 KAR Chapter 1.

Section 1. Definitions. The following definitions shall apply in this chapter:

- (1) "Act in the line of duty" means an activity or an action performed by a police officer, related to public safety, and that the police officer is obligated or authorized by statute, rule, regulation, condition or policy of employment or service, official mutual-aid agreement, or other law to perform, including any social, ceremonial, athletic functions, any official training programs of the public agency to which the police officer is assigned or for which the police officer is compensated, under the auspices of the public safety agency, organization, or unit he or she serves, and the public safety agency, organization, or unit legally recognizes that activity or action to have been so obligated or authorized at the time performed. This definition shall include authorized commuting.
- (2) "Authorized commuting" means travel, not being a frolic or detour, by a police officer to and from an official training program authorized or required by the police officer's public safety agency, organization, or unit.
- (3) "Cabinet" means the Justice and Public Safety Cabinet.
- (4) "Child" means any natural, adopted, or posthumous child or child born out of wedlock of the deceased police officer who, at the time of the officer's death, is living or later is born alive.
- (5) "Claim administrator" means the individual at the cabinet assigned by the secretary to review and process line of duty death benefits claims.
- (6) "Claimant" means an individual who has filed a claim for death benefits pursuant to KRS 61.315 on his own behalf or on whose behalf a claim has been filed.
- (7) "Death" means the death of the police officer as a result of an act in the line of duty, including a death that is a direct result of a traumatic injury, wound, condition of the body, disease, or medical treatment received as a direct result from an act in the line of duty. This definition shall not include a death resulting from:
 - (a) A nonwork-related disease or condition or a routine work-related disease or condition common to the officer's occupation;
 - (b) Intentional misconduct of the police officer;
 - (c) The police officer's intention to bring about his death;
 - (d) The police officer's willfulness or wanton disregard that brings about his death; or
 - (e) Voluntary intoxication of the police officer which is a contributing factor of the death.
- (8) "Determination" means the approval or denial of a claim.
- (9) "Direct result" or "direct and proximate cause" means something that is a substantial factor in bringing a condition about.

- (10) "Eligible survivor" means a spouse, child, or parent:
- (a) Described in KRS 61.315(2) as being entitled to a benefit for the death of a police officer in the line of duty; and
 - (b) Who meets the requirements for payment described in KRS 61.315(2).
- (11) "Heart attack" means:
- (a) A myocardial infarction; or
 - (b) A cardiac event including cessation, interruption, arrest, or other similar disturbance of heart function that is:
 - 1. Acute; and
 - 2. Directly and proximately caused by a pathology, or pathological condition of the heart or of the coronary arteries.
- (12) "Nonroutine strenuous physical activity" means an act in the line of duty that:
- (a) Is not of a clerical, administrative, or nonmanual nature;
 - (b) Is not performed as a matter of routine; and
 - (c) Entails an unusually high level of physical exertion.
- (13) "Nonroutine stressful physical activity" means an act in the line of duty that:
- (a) Is not of a clerical, administrative, or nonmanual nature;
 - (b) Is not performed as a matter of routine;
 - (c) Entails non-negligible physical exertion; and
 - (d) Occurs under circumstances that objectively and reasonably:
 - 1. Pose or simulate, in a realistic fashion, situations that pose significant dangers, threats, or hazards not faced by similarly-situated members of the public in the ordinary course; and
 - 2. Provoke an unusually high level of alarm, fear, or anxiety.
- (14) "Office of the Secretary" means the office of the secretary of the cabinet at 125 Holmes St, Frankfort, Kentucky 40601.
- (15) "Officer" or "police officer" is defined by KRS 61.315(1)(a).
- (16) "Parent" means a natural or adoptive parent of the police officer living at the time of the police officer's death.
- (17) "Posthumous child" means a biological child of the officer, and the officer is:
- (a) Alive at the time of the child's conception; and
 - (b) Deceased at or before the time of the child's birth.
- (18) "Secretary" means the secretary of the cabinet.
- (19) "Spouse" means the lawfully wedded husband or wife of the deceased police officer living at the time of the officer's death and includes a spouse living apart from the officer at the time of the officer's death for any reason or a spouse involved in divorce proceedings if a final divorce decree has not been entered at the time of the police officer's death.
- (20) "Stroke" means a cerebrovascular incident.
- (21) "Substantial factor" means a factor that substantially brings about an event, if:
- (a) The factor alone was sufficient to have caused the event; or
 - (b) No other factor or combination of factors contributed to the event to so great a degree as the factor in question.

KEITH JACKSON, Secretary

APPROVED BY AGENCY: September 9, 2024

FILED WITH LRC: September 13, 2024 at 11:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held Tuesday, November 26, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by

five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until November 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Staff Attorney, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov.