

1 AN ACT relating to lump-sum line of duty death payments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 61.315 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,
6 corrections employee with the power of a peace officer pursuant to KRS
7 196.037, any metropolitan or urban-county correctional officer with the power
8 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any
9 auxiliary police officer appointed pursuant to KRS 95.445, any police officer
10 of a public institution of postsecondary education appointed pursuant to KRS
11 164.950, any school resource officer as defined in KRS 158.441, or any
12 citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088,
13 elected to office, or employed by any county, airport board created pursuant to
14 KRS Chapter 183, city, local board of education, or by the state;

15 (b) "Firefighter" means every paid firefighter or volunteer firefighter who is
16 employed by or volunteers his or her services to the state, airport board
17 created pursuant to KRS Chapter 183, any county, city, fire district, or any
18 other organized fire department recognized, pursuant to KRS 95A.262, as a
19 fire department operated and maintained on a nonprofit basis in the interest of
20 the health and safety of the inhabitants of the Commonwealth and shall
21 include qualified civilian firefighters employed at Kentucky-based military
22 installations; ~~and~~

23 (c) "Emergency medical services personnel" means any paid or volunteer
24 emergency medical services personnel who is certified or licensed pursuant to
25 KRS Chapter 311A and who is employed directly by, or volunteering directly
26 for, any:

27 1. County;

- 1 2. City;
- 2 3. Fire protection district created under KRS 75.010 to 75.260; or
- 3 4. Emergency ambulance service district created under KRS 108.080 to
- 4 108.180;
- 5 to provide emergency medical services~~[-];~~

6 *(d) "Public safety officer" means a police officer, firefighter, or emergency*

7 *medical services personnel;*

8 *(e) "Public safety officer in training" means an individual attending a formal*

9 *training academy that provides training, certification, or licensing for the*

10 *individual to serve as a public safety officer, provided the training academy*

11 *is:*

12 *1. Certified by the Commonwealth of Kentucky; or*

13 *2. Established by a local government or an agency thereof in Kentucky;*

14 *(f) "Retired public safety officer" means an individual who separated from*

15 *service in good standing as a public safety officer; and*

16 *(g) "Post-service act in the line of duty" means an attack on a retired public*

17 *safety officer following separation of service that is in retaliation for a line*

18 *of duty action taken by the retired public safety officer while still serving or*

19 *based upon the retired public safety officer's prior service as a public safety*

20 *officer.*

- 21 (2) The spouse of any *public safety officer, public safety officer in training*~~[police~~
- 22 ~~officer, sheriff, deputy sheriff, corrections employee with the power of a peace~~
- 23 ~~officer pursuant to KRS 196.037, any metropolitan or urban county correctional~~
- 24 ~~officer with the power of a peace officer pursuant to KRS 446.010, any jailer or~~
- 25 ~~deputy jailer, any auxiliary police officer appointed pursuant to KRS 95.445, any~~
- 26 ~~police officer of a public institution of postsecondary education appointed pursuant~~
- 27 ~~to KRS 164.950, any school resource officer as defined in KRS 158.441, or any~~

1 ~~citiation or safety officer appointed pursuant to KRS 83A.087 and 83A.088,~~
2 ~~firefighter}], or member of the Kentucky National Guard on state active duty~~
3 ~~pursuant to KRS 38.030, or a member of a state National Guard or a Reserve~~
4 ~~component on federal active duty under Title 10 or 32 of the United States Code~~
5 ~~who names Kentucky as home of record for military purposes, whose death occurs[~~
6 ~~on or after July 1, 2002,] as a direct result of an act in the line of duty, **or the spouse**~~
7 ~~**of any retired public safety officer whose death occurs as a direct result of a post-**~~
8 ~~**service act in the line of duty.** shall receive a lump-sum payment of eighty~~
9 ~~thousand dollars (\$80,000) if there are no surviving children, which sum shall be~~
10 ~~paid by the State Treasurer from the general fund of the State Treasury. [The spouse~~
11 ~~of any emergency medical services personnel whose death occurs on or after~~
12 ~~November 1, 2015, as a direct result of an act in the line of duty shall receive a~~
13 ~~lump sum payment of eighty thousand dollars (\$80,000) if there are no surviving~~
14 ~~children, which sum shall be paid by the State Treasurer from the general fund of~~
15 ~~the State Treasury.]If there are surviving children and a surviving spouse, the~~
16 ~~payment shall be apportioned equally among the surviving children and the spouse.~~
17 ~~If there is no surviving spouse, the payment shall be made to the surviving children,~~
18 ~~eighteen (18) or more years of age. For surviving children less than eighteen (18)~~
19 ~~years of age, the State Treasurer shall:~~

- 20 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and
- 21 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts
- 22 at appropriate interest rates for each surviving child until the child reaches the
- 23 age of eighteen (18) years.

24 If a child dies before reaching the age of eighteen (18) years, his or her account

25 shall be paid to his or her estate. If there are no surviving children, the payment

26 shall be made to any parents of the deceased.

27 (3) The Kentucky Fire Commission shall be authorized to promulgate administrative

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

6 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations
7 establishing criteria and procedures applicable to the administration of this section
8 as it pertains to police officers, any metropolitan or urban-county correctional
9 officers with the power of a peace officer pursuant to KRS 446.010, any school
10 resource officer as defined in KRS 158.441, or any jailers or deputy jailers,
11 including but not limited to defining when one has died in line of duty.
12 Administrative hearings promulgated by administrative regulation under authority
13 of this subsection shall be conducted in accordance with KRS Chapter 13B.

14 (5) The Department of Corrections shall promulgate administrative regulations
15 establishing the criteria and procedures applicable to the administration of this
16 section as it pertains to correctional employees, including but not limited to
17 defining which employees qualify for coverage and which circumstances constitute
18 death in the line of duty.

19 (6) The Kentucky Board of Emergency Medical Services shall promulgate
20 administrative regulations establishing the criteria and procedures applicable to the
21 administration of this section as it pertains to emergency medical services
22 personnel, including but not limited to which employees or volunteers qualify for
23 coverage and which circumstances constitute death in the line of duty.

24 (7) The Department of Military Affairs shall promulgate administrative regulations
25 establishing the criteria and procedures applicable to the administration of this
26 section as it pertains to National Guard or Reserve component members, including
27 but not limited to defining which National Guard or Reserve component members

1 qualify for coverage and which circumstances constitute death in the line of duty.

2 (8) The estate of anyone whose spouse or surviving children would be eligible for
3 benefits under subsection (2) of this section, and the estate of any regular member
4 of the United States Armed Forces who names Kentucky as home of record for
5 military purposes whose death occurs as a direct result of an act in the line of duty,
6 shall be exempt from all probate fees, including but not limited to those established
7 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or
8 imposed under KRS 24A.185, 64.012, and 172.180.

9 (9) The benefits payable under this section shall be in addition to any benefits now or
10 hereafter prescribed under any police, sheriff, firefighter's, volunteer firefighter's,
11 emergency medical services personnel, or National Guard or Reserve retirement or
12 benefit fund established by the federal government or by any state, county, or any
13 municipality.

14 (10) Any funds appropriated for the purpose of paying the death benefits described in
15 subsection (2) of this section shall be allotted to a self-insuring account. These
16 funds shall not be used for the purpose of purchasing insurance.

17 (11) (a) For the purposes of this section, if a firefighter dies as a result of cancer, the
18 death shall be a direct result of an act in the line of duty if the firefighter:

- 19 1. Was a firefighter for at least five (5) consecutive years;
- 20 2. Developed one (1) or more of the cancers listed in paragraph (b) of this
21 subsection which caused the firefighter's death within ten (10) years of
22 separation from service as a firefighter;
- 23 3. Did not use tobacco products for a period of ten (10) years prior to the
24 diagnosis of cancer;
- 25 4. Was under the age of sixty-five (65) at the time of death;
- 26 5. Was not diagnosed with any cancer prior to employment as a firefighter;
- 27 and

1 6. Was exposed while in the course of firefighting to a known carcinogen
2 as defined by the International Agency for Research on Cancer or the
3 National Toxicology Program, and the carcinogen is reasonably
4 associated with one (1) or more of the cancers listed in paragraph (b) of
5 this subsection.

6 (b) This section shall apply to the following cancers:

- 7 1. Bladder cancer;
- 8 2. Brain cancer;
- 9 3. Colon cancer;
- 10 4. Non-Hodgkin's lymphoma;
- 11 5. Kidney cancer;
- 12 6. Liver cancer;
- 13 7. Lymphatic or haematopoietic cancer;
- 14 8. Prostate cancer;
- 15 9. Testicular cancer;
- 16 10. Skin cancer;
- 17 11. Cervical cancer; and
- 18 12. Breast cancer.

19 (c) 1. The provisions of this subsection creating an entitlement to the line of
20 duty death benefits shall apply exclusively to this section and shall not
21 be interpreted or otherwise construed to create either an express or
22 implied presumption of work-relatedness for any type of claim filed
23 pursuant to KRS Chapter 342.

24 2. This paragraph is intended to provide clarification regarding the sole and
25 exclusive application of this subsection to only the benefits available
26 under this section and shall not be used as a bar or other type of
27 limitation to impair or alter the rights and ability of a claimant to prove

1 work-relatedness under KRS Chapter 342 or other laws.

2 ➔Section 2. The amendments to Section 1 of this Act shall apply to line of duty
3 deaths occurring on or after the effective date of this Act, except that the amendments to
4 Section 1 of this Act pertaining to a:

5 (1) A retired public safety officer whose death occurs as a direct result of a post-
6 service act in the line of duty as defined in Section 1 of this Act shall be retroactive to
7 deaths occurring on or after August 1, 2012; and

8 (2) Public safety officer in training whose death occurs as a direct result of an act
9 in line of duty shall be retroactive to deaths occurring on or after November 1, 2024.