

HB0121S01 compared with HB0121

~~{deleted text}~~ shows text that was in HB0121 but was deleted in HB0121S01.

inserted text shows text that was not in HB0121 but was inserted into HB0121S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Lee B. Perry proposes the following substitute bill:

DISABLED LAW ENFORCEMENT OFFICER AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah State Personnel Management Act by amending provisions related to leave of absence benefits for a law enforcement officer who is disabled in the line of duty.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a law enforcement officer or state correctional officer shall be given a leave of absence with 100% of the officer's salary and benefits until the officer retires or reaches the retirement age of 62 years if the officer sustains an injury:
 - that results in ~~{100%}~~ a total disability;
 - while in the lawful discharge of the officer's duty; and

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- that is the result of ~~{a motor}~~an aircraft, vehicle, or vessel accident and the officer was not negligent in causing the accident;
- ▶ clarifies that an eligible officer's 100% salary benefit for a line-of-duty disability is offset by ~~{any benefit received under workers' compensation, long-term disability, and }~~certain other benefits or payments defined by Department of Human Resource Management rules; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-19-27, as last amended by Laws of Utah 2011, Chapter 366

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **67-19-27** is amended to read:

67-19-27. Leave of absence with pay for employees with a disability who are covered under other civil service systems.

(1) As used in this section:

(a) "Eligible officer" means a person who qualifies for a benefit under this section.

~~[(a)]~~ (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes of this state.

(ii) "Law enforcement officer" specifically includes the following:

(A) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;

(B) all persons specified in Sections 23-20-1.5 and 79-4-501;

(C) investigators for the Motor Vehicle Enforcement Division;

(D) special agents or investigators employed by the attorney general;

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(E) employees of the Department of Natural Resources designated as peace officers by law;

(F) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division; and

(G) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993.

~~[(b)]~~ (c) "State correctional officer" means a correctional officer as defined in Section 53-13-104 who is employed by the Department of Corrections.

(2) (a) ~~[Each]~~ A law enforcement officer, state correctional officer, operator license examiner, commercial license examiner, or Driver License Division hearing examiner who is injured in the course of employment shall be given a leave of absence with ~~[full pay]~~ 100% of the officer's regular monthly salary and benefits during the period the employee has a temporary disability.

~~[(b) This compensation is in lieu of all other compensation provided by law except hospital and medical services that are provided by law.]~~

(b) The benefit provided under Subsection (2)(a):

(i) shall be offset as provided under Subsection (4); and

(ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets ~~{described in}~~ required under Subsection (4).

(3) (a) ~~[Each]~~ A law enforcement officer or state correctional officer who has a ~~[100%]~~ total disability ~~[through a criminal act upon the law enforcement officer's person while in the lawful discharge of the law enforcement officer's duties;]~~ as defined in Section 49-21-102, shall be given a leave of absence with ~~[full compensation]~~ 100% of the officer's regular monthly salary and benefits until the ~~[law enforcement]~~ officer ~~[retires]~~ is eligible for an unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age of 62 years~~[-]~~, whichever occurs first, if:

(i) the disability is a result of an injury sustained while in the lawful discharge of the officer's duties; and

(ii) the injury is the result of:

(A) a criminal act upon the officer; or

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(B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing the accident.

(b) The benefit provided under Subsection (3)(a):

(i) shall be offset as provided under Subsection (4); and

(ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets ~~as described in~~ **required under** Subsection (4).

(4) (a) The agency shall reduce or require the reimbursement of the monthly benefit provided under this section by any amount received by, or payable to, the eligible officer ~~from the following sources~~ for the same period of time during which the eligible officer is entitled to receive a monthly disability benefit under this section ~~and~~.

~~(i) b) workers' compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A; In accordance with Title 63G, Chapter 3, Utah Occupational Disease Act;~~

~~(ii) long-term disability benefits under Title 49, Chapter 21, Public Employees' Long-Term Disability Act;~~

~~(iii) any money received by judgment, legal action, or settlement from a third party liable to the eligible officer for the disability;~~

~~(iv) automobile no-fault, medical payments, or similar insurance payments; and~~

~~(v) any money received by a judgment, settlement, or other payment as a result of a claim against an employer.~~

~~(b) Any amounts payable to the eligible officer from one or more of the sources; Administrative Rulemaking Act, the department shall make rules establishing policies and procedures for the reductions required under Subsection (4)(a) are considered as amounts received whether or not the amounts were actually received by the eligible officer.~~

~~(c) (i) An eligible officer shall first apply for all disability benefits from governmental entities under Subsection (4)(a) to which the eligible officer is or may be entitled, and provide to the employing agency evidence of the applications;~~

~~(ii) If the eligible officer fails to make application under this Subsection (4)(c), the monthly disability benefit shall be suspended.~~

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~~Legislative Review Note~~

~~_____ as of 1-31-12 12:20 PM~~

~~_____ Office of Legislative Research and General Counsel}~~