

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: Daniel W. Thatcher

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 a total disability;
 - while in the lawful discharge of the officer's duty; and
 - that is the result of 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 certain other benefits or payments defined by Department of Human Resource Management rules; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **67-19-27**, as last amended by Laws of Utah 2011, Chapter 366



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

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

36 **67-19-27. Leave of absence with pay for employees with a disability who are**
37 **covered under other civil service systems.**

38 (1) As used in this section:

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

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

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

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

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

48 (C) investigators for the Motor Vehicle Enforcement Division;

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

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

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

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

57 ~~[(b)]~~ (c) "State correctional officer" means a correctional officer as defined in Section
58 53-13-104 who is employed by the Department of Corrections.

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

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

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

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

68 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
69 all offsets required under Subsection (4).

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

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

79 (ii) the injury is the result of:

80 (A) a criminal act upon the officer; or

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

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

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

85 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
86 all offsets required under Subsection (4).

87 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit

88 provided under this section by any amount received by, or payable to, the eligible officer for
89 the same period of time during which the eligible officer is entitled to receive a monthly
90 disability benefit under this section.

91 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
92 department shall make rules establishing policies and procedures for the reductions required
93 under Subsection (4)(a).