

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 609**

**Representative Patton**

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**A B I L L**

To amend section 742.63 of the Revised Code to 1  
provide Ohio Public Safety Officers Death Benefit 2  
Fund coverage to drug agents and to investigators 3  
and special agents of the Bureau of Criminal 4  
Identification and Investigation. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 742.63 of the Revised Code be amended 6  
to read as follows: 7

**Sec. 742.63.** The board of trustees of the Ohio police and 8  
fire pension fund shall adopt rules for the management of the Ohio 9  
public safety officers death benefit fund and for disbursements of 10  
benefits as set forth in this section. 11

(A) As used in this section: 12

(1) "Member" means all of the following: 13

(a) A member of the Ohio police and fire pension fund, 14  
including a member of the fund who has elected to participate in 15  
the deferred retirement option plan established under section 16  
742.43 of the Revised Code or a member of or contributor to a 17  
police or firemen's relief and pension fund established under 18  
former Chapter 521. or 741. of the Revised Code; 19

(b) A member of the state highway patrol retirement system,	20
including a member who is participating in the deferred retirement	21
option plan established under section 5505.50 of the Revised Code;	22
(c) A member of the public employees retirement system who at	23
the time of the member's death was one of the following:	24
(i) A county sheriff or deputy sheriff;	25
(ii) A full-time regular police officer in a municipal	26
corporation or township;	27
(iii) A full-time regular firefighter employed by the state,	28
an instrumentality of the state, a municipal corporation, a	29
township, a joint fire district, or another political subdivision;	30
(iv) A full-time park district ranger or patrol trooper;	31
(v) A full-time law enforcement officer of the department of	32
natural resources;	33
(vi) A full-time department of public safety enforcement	34
agent;	35
(vii) A full-time law enforcement officer of parks, waterway	36
lands, or reservoir lands under the control of a municipal	37
corporation;	38
(viii) A full-time law enforcement officer of a conservancy	39
district;	40
(ix) A correction officer at an institution under the control	41
of a county, a group of counties, a municipal corporation, or the	42
department of rehabilitation and correction;	43
(x) A state university law enforcement officer;	44
<u>(xi) An investigator, as defined in section 109.541 of the</u>	45
<u>Revised Code, or an investigator commissioned as a special agent</u>	46
<u>of the bureau of criminal identification and investigation.</u>	47
<u>(xii) A drug agent, as defined in section 145.01 of the</u>	48

Revised Code. 49

(d) A member of a retirement system operated by a municipal 50  
corporation who at the time of death was a full-time law 51  
enforcement officer of parks, waterway lands, or reservoir lands 52  
under the control of the municipal corporation. 53

(2) Notwithstanding section 742.01 of the Revised Code, "fire 54  
or police department" includes a fire department of the state or 55  
an instrumentality of the state or of a municipal corporation, 56  
township, joint fire district, or other political subdivision, the 57  
state highway patrol, a county sheriff's office, the security 58  
force of an institution under the control of the department of 59  
rehabilitation and correction, the security force of a jail or 60  
workhouse under the control of a county, group of counties, or 61  
municipal corporation, the security force of a metropolitan, 62  
county, or township park district, the security force of lands 63  
under the control of the department of natural resources, 64  
department of public safety enforcement agents, the security force 65  
of parks, waterway lands, or reservoir lands under the control of 66  
a municipal corporation, the security force of a conservancy 67  
district, the police department of a township or municipal 68  
corporation, and the police force of a state university. 69

(3) "Firefighter or police officer" includes a state highway 70  
patrol trooper, a county sheriff or deputy sheriff, a correction 71  
officer at an institution under the control of a county, a group 72  
of counties, a municipal corporation, or the department of 73  
rehabilitation and correction, a police officer employed by a 74  
township or municipal corporation, a firefighter employed by the 75  
state, an instrumentality of the state, a municipal corporation, a 76  
township, a joint fire district, or another political subdivision, 77  
a full-time park district ranger or patrol trooper, a full-time 78  
law enforcement officer of the department of natural resources, a 79  
full-time department of public safety enforcement agent, a 80

full-time law enforcement officer of parks, waterway lands, or 81  
reservoir lands under the control of a municipal corporation, a 82  
full-time law enforcement officer of a conservancy district, and a 83  
state university law enforcement officer. 84

(4) "Correction officer" includes, in addition to any 85  
correction officer, any correction corporal, sergeant, lieutenant, 86  
or captain, and the equivalents of all such persons. 87

(5) "A park district ranger or patrol trooper" means a peace 88  
officer commissioned to make arrests, execute warrants, and 89  
preserve the peace upon lands under the control of a board of park 90  
commissioners of a metropolitan, county, or township park 91  
district. 92

(6) "Metropolitan, county, or township park district" means a 93  
park district created under the authority of Chapter 511. or 1545. 94  
of the Revised Code. 95

(7) "Conservancy district" means a conservancy district 96  
created under the authority of Chapter 6101. of the Revised Code. 97

(8) "Law enforcement officer" means an officer commissioned 98  
to make arrests, execute warrants, and preserve the peace upon 99  
lands under the control of the governmental entity granting the 100  
commission. 101

(9) "Department of natural resources law enforcement officer" 102  
includes a forest officer designated pursuant to section 1503.29 103  
of the Revised Code, a preserve officer designated pursuant to 104  
section 1517.10 of the Revised Code, a wildlife officer designated 105  
pursuant to section 1531.13 of the Revised Code, a park officer 106  
designated pursuant to section 1541.10 of the Revised Code, and a 107  
state watercraft officer designated pursuant to section 1547.521 108  
of the Revised Code. 109

(10) "Retirement eligibility date" means the last day of the 110  
month in which a deceased member would have first become eligible, 111

had the member lived, for the retirement pension provided under 112  
section 145.33, Chapter 521. or 741., division (C)(1) of section 113  
742.37, or division (A)(1) of section 5505.17 of the Revised Code 114  
or provided by a retirement system operated by a municipal 115  
corporation. 116

(11) "Death benefit amount" means an amount equal to the full 117  
monthly salary received by a deceased member prior to death, minus 118  
an amount equal to the benefit received under section 145.45, 119  
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 120  
received from a retirement system operated by a municipal 121  
corporation, plus any increases in salary that would have been 122  
granted the deceased member. 123

(12) "Killed in the line of duty" means either of the 124  
following: 125

(a) Death in the line of duty; 126

(b) Death from injury sustained in the line of duty, 127  
including heart attack or other fatal injury or illness caused 128  
while in the line of duty. 129

(B) A spouse of a deceased member shall receive a death 130  
benefit each month equal to the full death benefit amount, 131  
provided that the deceased member was a firefighter or police 132  
officer killed in the line of duty and there are no surviving 133  
children eligible for a benefit under this section. The spouse 134  
shall receive this benefit during the spouse's natural life until 135  
the deceased member's retirement eligibility date, on which date 136  
the benefit provided under this division shall terminate. 137

(C)(1) If a member killed in the line of duty as a 138  
firefighter or police officer is survived only by a child or 139  
children, the child or children shall receive a benefit each month 140  
equal to the full death benefit amount. If there is more than one 141  
surviving child, the benefit shall be divided equally among these 142

children. 143

(2) If the death benefit paid under this division is divided 144  
among two or more surviving children and any of the children 145  
become ineligible to continue receiving a portion of the benefit 146  
as provided in division (H) of this section, the full death 147  
benefit amount shall be paid to the remaining eligible child or 148  
divided among the eligible children so that the benefit paid to 149  
the remaining eligible child or children equals the full death 150  
benefit amount. 151

(3) Notwithstanding divisions (C)(1) and (2) of this section, 152  
all death benefits paid under this division shall terminate on the 153  
deceased member's retirement eligibility date. 154

(D) If a member killed in the line of duty as a firefighter 155  
or police officer is survived by both a spouse and a child or 156  
children, the monthly benefit provided shall be as follows: 157

(1)(a) If there is a surviving spouse and one surviving 158  
child, the spouse shall receive an amount each month equal to 159  
one-half of the full death benefit amount and the child shall 160  
receive an amount equal to one-half of the full death benefit 161  
amount. 162

(b) If the surviving spouse dies or the child becomes 163  
ineligible as provided in division (H) of this section, the 164  
surviving spouse or child remaining eligible shall receive the 165  
full death benefit amount. 166

(2)(a) If there is a surviving spouse and more than one 167  
child, the spouse shall receive an amount each month equal to 168  
one-third of the full death benefit amount and the children shall 169  
receive an amount, equally divided among them, equal to two-thirds 170  
of the full death benefit amount. 171

(b) If a spouse and more than one child each are receiving a 172  
death benefit under division (D)(2)(a) of this section and the 173

spouse dies, the children shall receive an amount each month, 174  
equally divided among them, equal to the full death benefit 175  
amount. 176

(c) If a spouse and more than one child each are receiving a 177  
benefit under division (D)(2)(a) of this section and any of the 178  
children becomes ineligible to receive a benefit as provided in 179  
division (H) of this section, the spouse and remaining eligible 180  
child or children shall receive a death benefit as follows: 181

(i) If there are two or more remaining eligible children, the 182  
spouse shall receive an amount each month equal to one-third of 183  
the full death benefit amount and the children shall receive an 184  
amount each month, equally divided among them, equal to two-thirds 185  
of the full death benefit amount; 186

(ii) If there is one remaining eligible child, the spouse 187  
shall receive an amount each month equal to one-half of the full 188  
death benefit amount, and the child shall receive an amount each 189  
month equal to one-half of the full death benefit amount. 190

(d) If a spouse and more than one child each are receiving a 191  
benefit under division (D)(2)(a) of this section and all of the 192  
children become ineligible to receive a benefit as provided in 193  
division (H) of this section, the spouse shall receive the full 194  
death benefit amount. 195

(3) Notwithstanding divisions (D)(1) and (2) of this section, 196  
death benefits paid under this division to a surviving spouse 197  
shall terminate on the member's retirement eligibility date. Death 198  
benefits paid to a surviving child or children shall terminate on 199  
the deceased member's retirement eligibility date unless earlier 200  
terminated pursuant to division (H) of this section. 201

(E) If a member, on or after January 1, 1980, is killed in 202  
the line of duty as a firefighter or police officer and is 203  
survived by only a parent or parents dependent upon the member for 204

support, the parent or parents shall receive an amount each month 205  
equal to the full death benefit amount. If there is more than one 206  
surviving parent dependent upon the deceased member for support, 207  
the death benefit amount shall be divided equally among the 208  
surviving parents. On the death of one of the surviving parents, 209  
the full death benefit amount shall be paid to the other parent. 210

(F)(1) The following shall receive a monthly death benefit 211  
under this division: 212

(a) A surviving spouse whose benefits are terminated in 213  
accordance with division (B) or (D)(3) of this section on the 214  
deceased member's retirement eligibility date, or who would 215  
qualify for a benefit under division (B) or (D) of this section 216  
except that the deceased member reached the member's retirement 217  
eligibility date prior to the member's death; 218

(b) A qualified surviving spouse of a deceased member of or 219  
contributor to a police or firemen's relief and pension fund 220  
established under former Chapter 521. or 741. of the Revised Code 221  
who was a firefighter or police officer killed in the line of 222  
duty. 223

(2) The monthly death benefit shall be one-half of an amount 224  
equal to the monthly salary received by the deceased member prior 225  
to the member's death, plus any salary increases the deceased 226  
member would have received prior to the member's retirement 227  
eligibility date. The benefit shall terminate on the surviving 228  
spouse's death. A death benefit payable under this division shall 229  
be reduced by an amount equal to any allowance or benefit payable 230  
to the surviving spouse under section 742.3714 of the Revised 231  
Code. 232

(3) A benefit granted to a surviving spouse under division 233  
(F)(1)(b) of this section shall commence on the first day of the 234  
month immediately following receipt by the board of a completed 235



application on a form provided by the board and any evidence the 236  
board may require to establish that the deceased spouse was killed 237  
in the line of duty. 238

(G)(1) If there is not a surviving spouse eligible to receive 239  
a death benefit under division (F) of this section or the 240  
surviving spouse receiving a death benefit under that division 241  
dies, a surviving child or children whose benefits under division 242  
(C) or (D) of this section are or have been terminated pursuant to 243  
division (C)(3) or (D)(3) of this section or who would qualify for 244  
a benefit under division (C) or (D) of this section except that 245  
the deceased member reached the member's retirement eligibility 246  
date prior to the member's death shall receive a monthly death 247  
benefit under this division. The monthly death benefit shall be 248  
one-half of an amount equal to the monthly salary received by the 249  
deceased member prior to the member's death, plus any salary 250  
increases the member would have received prior to the member's 251  
retirement eligibility date. If there is more than one surviving 252  
child, the benefit shall be divided equally among the surviving 253  
children. 254

(2) If two or more surviving children each are receiving a 255  
benefit under this division and any of those children becomes 256  
ineligible to continue receiving a benefit as provided in division 257  
(H) of this section, the remaining eligible child or children 258  
shall receive an amount equal to one-half of the monthly salary 259  
received by the deceased member prior to death, plus any salary 260  
increases the deceased member would have received prior to the 261  
retirement eligibility date. If there is more than one remaining 262  
eligible child, the benefit shall be divided equally among the 263  
eligible children. 264

(3) A death benefit, or portion of a death benefit, payable 265  
to a surviving child under this division shall be reduced by an 266  
amount equal to any allowance or benefit payable to that child 267

under section 742.3714 of the Revised Code, but the reduction in 268  
that child's benefit shall not affect the amount payable to any 269  
other surviving child entitled to a portion of the death benefit. 270

(H) A death benefit paid to a surviving child under division 271  
(C), (D), or (G) of this section shall terminate on the death of 272  
the child or, unless one of the following is the case, when the 273  
child reaches age eighteen: 274

(1) The child, because of physical or mental disability, is 275  
unable to provide the child's own support, in which case the death 276  
benefit shall terminate when the disability is removed; 277

(2) The child is unmarried, under age twenty-two, and a 278  
student in and attending an institution of learning or training 279  
pursuant to a program designed to complete in each school year the 280  
equivalent of at least two-thirds of the full-time curriculum 281  
requirements of the institution, as determined by the trustees of 282  
the fund. 283

(I) Acceptance of any death benefit under this section does 284  
not prohibit a spouse or child from receiving other benefits 285  
provided under the Ohio police and fire pension fund, the state 286  
highway patrol retirement system, the public employees retirement 287  
system, or a retirement system operated by a municipal 288  
corporation. 289

(J) No person shall receive a benefit under this section if 290  
any of the following occur: 291

(1) The person fails to exercise the right to a monthly 292  
survivor benefit under division (A) or (B) of section 145.45, 293  
division (D), (E), or (F) of section 742.37, or division (A)(3), 294  
(4), or (7) of section 5505.17 of the Revised Code; to a monthly 295  
survivor benefit from a retirement system operated by a municipal 296  
corporation; or to a retirement allowance under section 742.3714 297  
of the Revised Code. 298

(2) The member's accumulated contributions under this chapter 299  
or Chapter 145. or 5505. of the Revised Code are refunded unless 300  
the member had been a member of the public employees retirement 301  
system and had fewer than eighteen months of total service credit 302  
at the time of death. 303

(3) In the case of a full-time park district ranger or patrol 304  
trooper, a full-time law enforcement officer of the department of 305  
natural resources, a full-time law enforcement officer of parks, 306  
waterway lands, or reservoir lands under the control of a 307  
municipal corporation, a full-time law enforcement officer of a 308  
conservancy district, a correction officer at an institution under 309  
the control of a county, group of counties, or municipal 310  
corporation, or a member of a retirement system operated by a 311  
municipal corporation who at the time of the member's death was a 312  
full-time law enforcement officer of parks, waterway lands, or 313  
reservoir lands under the control of the municipal corporation, 314  
the member died prior to April 9, 1981, in the case of a benefit 315  
under division (B), (C), or (D) of this section, or prior to 316  
January 1, 1980, in the case of a benefit under division (E) of 317  
this section. 318

(4) In the case of a full-time department of public safety 319  
enforcement agent who prior to June 30, 1999, was a liquor control 320  
investigator of the department of public safety, the member died 321  
prior to December 23, 1986; 322

(5) In the case of a full-time department of public safety 323  
enforcement agent other than an enforcement agent who, prior to 324  
June 30, 1999, was a liquor control investigator, the member died 325  
prior to June 30, 1999. 326

(K) A surviving spouse whose benefit was terminated prior to 327  
June 30, 1999, due to remarriage shall receive a benefit under 328  
division (B), (D), or (F) of this section beginning on the first 329  
day of the month following receipt by the board of an application 330

on a form provided by the board. The benefit amount shall be 331  
determined as of that date. 332

(1) If the benefit will begin prior to the deceased member's 333  
retirement eligibility date, it shall be paid under division (B) 334  
or (D) of this section and shall terminate as provided in those 335  
divisions. A benefit paid to a surviving spouse under division (D) 336  
of this section shall be determined in accordance with that 337  
division, even if benefits paid to surviving children are reduced 338  
as a result. 339

(2) If the benefit will begin on or after the deceased 340  
member's retirement eligibility date, it shall be paid under 341  
division (F) of this section and shall terminate as provided in 342  
that division. A benefit paid to a surviving spouse under division 343  
(F) of this section shall be determined in accordance with that 344  
division, even if benefits paid to surviving children are 345  
terminated as a result. 346

**Section 2.** That existing section 742.63 of the Revised Code 347  
is hereby repealed. 348