

As Introduced

**127th General Assembly
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H. B. No. 613

Representative McGregor, J.

Cosponsors: Representatives Huffman, Hughes, Sears, Wagner

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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 investigators and special agents 3
of the Bureau of Criminal Identification and 4
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, including a member who is participating in the deferred retirement option plan established under section 5505.50 of the Revised Code;	20 21 22
(c) A member of the public employees retirement system who at the time of the member's death was one of the following:	23 24
(i) A county sheriff or deputy sheriff;	25
(ii) A full-time regular police officer in a municipal corporation or township;	26 27
(iii) A full-time regular firefighter employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision;	28 29 30
(iv) A full-time park district ranger or patrol trooper;	31
(v) A full-time law enforcement officer of the department of natural resources;	32 33
(vi) A full-time department of public safety enforcement agent;	34 35
(vii) A full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation;	36 37 38
(viii) A full-time law enforcement officer of a conservancy district;	39 40
(ix) A correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction;	41 42 43
(x) A state university law enforcement officer;	44
(xi) <u>An investigator, as defined in section 109.541 of the Revised Code, or an investigator commissioned as a special agent of the bureau of criminal identification and investigation.</u>	45 46 47

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

(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, department of public safety enforcement agents, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, the police department of a township or municipal corporation, and the police force of a state university.

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

reservoir lands under the control of a municipal corporation, a 80
full-time law enforcement officer of a conservancy district, and a 81
state university law enforcement officer. 82

(4) "Correction officer" includes, in addition to any 83
correction officer, any correction corporal, sergeant, lieutenant, 84
or captain, and the equivalents of all such persons. 85

(5) "A park district ranger or patrol trooper" means a peace 86
officer commissioned to make arrests, execute warrants, and 87
preserve the peace upon lands under the control of a board of park 88
commissioners of a metropolitan, county, or township park 89
district. 90

(6) "Metropolitan, county, or township park district" means a 91
park district created under the authority of Chapter 511. or 1545. 92
of the Revised Code. 93

(7) "Conservancy district" means a conservancy district 94
created under the authority of Chapter 6101. of the Revised Code. 95

(8) "Law enforcement officer" means an officer commissioned 96
to make arrests, execute warrants, and preserve the peace upon 97
lands under the control of the governmental entity granting the 98
commission. 99

(9) "Department of natural resources law enforcement officer" 100
includes a forest officer designated pursuant to section 1503.29 101
of the Revised Code, a preserve officer designated pursuant to 102
section 1517.10 of the Revised Code, a wildlife officer designated 103
pursuant to section 1531.13 of the Revised Code, a park officer 104
designated pursuant to section 1541.10 of the Revised Code, and a 105
state watercraft officer designated pursuant to section 1547.521 106
of the Revised Code. 107

(10) "Retirement eligibility date" means the last day of the 108
month in which a deceased member would have first become eligible, 109
had the member lived, for the retirement pension provided under 110

section 145.33, Chapter 521. or 741., division (C)(1) of section 111
742.37, or division (A)(1) of section 5505.17 of the Revised Code 112
or provided by a retirement system operated by a municipal 113
corporation. 114

(11) "Death benefit amount" means an amount equal to the full 115
monthly salary received by a deceased member prior to death, minus 116
an amount equal to the benefit received under section 145.45, 117
742.37, 742.3714, or 5505.17 of the Revised Code or the benefit 118
received from a retirement system operated by a municipal 119
corporation, plus any increases in salary that would have been 120
granted the deceased member. 121

(12) "Killed in the line of duty" means either of the 122
following: 123

(a) Death in the line of duty; 124

(b) Death from injury sustained in the line of duty, 125
including heart attack or other fatal injury or illness caused 126
while in the line of duty. 127

(B) A spouse of a deceased member shall receive a death 128
benefit each month equal to the full death benefit amount, 129
provided that the deceased member was a firefighter or police 130
officer killed in the line of duty and there are no surviving 131
children eligible for a benefit under this section. The spouse 132
shall receive this benefit during the spouse's natural life until 133
the deceased member's retirement eligibility date, on which date 134
the benefit provided under this division shall terminate. 135

(C)(1) If a member killed in the line of duty as a 136
firefighter or police officer is survived only by a child or 137
children, the child or children shall receive a benefit each month 138
equal to the full death benefit amount. If there is more than one 139
surviving child, the benefit shall be divided equally among these 140
children. 141

(2) If the death benefit paid under this division is divided 142
among two or more surviving children and any of the children 143
become ineligible to continue receiving a portion of the benefit 144
as provided in division (H) of this section, the full death 145
benefit amount shall be paid to the remaining eligible child or 146
divided among the eligible children so that the benefit paid to 147
the remaining eligible child or children equals the full death 148
benefit amount. 149

(3) Notwithstanding divisions (C)(1) and (2) of this section, 150
all death benefits paid under this division shall terminate on the 151
deceased member's retirement eligibility date. 152

(D) If a member killed in the line of duty as a firefighter 153
or police officer is survived by both a spouse and a child or 154
children, the monthly benefit provided shall be as follows: 155

(1)(a) If there is a surviving spouse and one surviving 156
child, the spouse shall receive an amount each month equal to 157
one-half of the full death benefit amount and the child shall 158
receive an amount equal to one-half of the full death benefit 159
amount. 160

(b) If the surviving spouse dies or the child becomes 161
ineligible as provided in division (H) of this section, the 162
surviving spouse or child remaining eligible shall receive the 163
full death benefit amount. 164

(2)(a) If there is a surviving spouse and more than one 165
child, the spouse shall receive an amount each month equal to 166
one-third of the full death benefit amount and the children shall 167
receive an amount, equally divided among them, equal to two-thirds 168
of the full death benefit amount. 169

(b) If a spouse and more than one child each are receiving a 170
death benefit under division (D)(2)(a) of this section and the 171
spouse dies, the children shall receive an amount each month, 172

equally divided among them, equal to the full death benefit amount. 173
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(c) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and any of the children becomes ineligible to receive a benefit as provided in division (H) of this section, the spouse and remaining eligible child or children shall receive a death benefit as follows: 175
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(i) If there are two or more remaining eligible children, the spouse shall receive an amount each month equal to one-third of the full death benefit amount and the children shall receive an amount each month, equally divided among them, equal to two-thirds of the full death benefit amount; 180
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(ii) If there is one remaining eligible child, the spouse shall receive an amount each month equal to one-half of the full death benefit amount, and the child shall receive an amount each month equal to one-half of the full death benefit amount. 185
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(d) If a spouse and more than one child each are receiving a benefit under division (D)(2)(a) of this section and all of the children become ineligible to receive a benefit as provided in division (H) of this section, the spouse shall receive the full death benefit amount. 189
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(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate on the member's retirement eligibility date. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (H) of this section. 194
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(E) If a member, on or after January 1, 1980, is killed in the line of duty as a firefighter or police officer and is survived by only a parent or parents dependent upon the member for support, the parent or parents shall receive an amount each month 200
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equal to the full death benefit amount. If there is more than one 204
surviving parent dependent upon the deceased member for support, 205
the death benefit amount shall be divided equally among the 206
surviving parents. On the death of one of the surviving parents, 207
the full death benefit amount shall be paid to the other parent. 208

(F)(1) The following shall receive a monthly death benefit 209
under this division: 210

(a) A surviving spouse whose benefits are terminated in 211
accordance with division (B) or (D)(3) of this section on the 212
deceased member's retirement eligibility date, or who would 213
qualify for a benefit under division (B) or (D) of this section 214
except that the deceased member reached the member's retirement 215
eligibility date prior to the member's death; 216

(b) A qualified surviving spouse of a deceased member of or 217
contributor to a police or firemen's relief and pension fund 218
established under former Chapter 521. or 741. of the Revised Code 219
who was a firefighter or police officer killed in the line of 220
duty. 221

(2) The monthly death benefit shall be one-half of an amount 222
equal to the monthly salary received by the deceased member prior 223
to the member's death, plus any salary increases the deceased 224
member would have received prior to the member's retirement 225
eligibility date. The benefit shall terminate on the surviving 226
spouse's death. A death benefit payable under this division shall 227
be reduced by an amount equal to any allowance or benefit payable 228
to the surviving spouse under section 742.3714 of the Revised 229
Code. 230

(3) A benefit granted to a surviving spouse under division 231
(F)(1)(b) of this section shall commence on the first day of the 232
month immediately following receipt by the board of a completed 233
application on a form provided by the board and any evidence the 234

board may require to establish that the deceased spouse was killed 235
in the line of duty. 236

(G)(1) If there is not a surviving spouse eligible to receive 237
a death benefit under division (F) of this section or the 238
surviving spouse receiving a death benefit under that division 239
dies, a surviving child or children whose benefits under division 240
(C) or (D) of this section are or have been terminated pursuant to 241
division (C)(3) or (D)(3) of this section or who would qualify for 242
a benefit under division (C) or (D) of this section except that 243
the deceased member reached the member's retirement eligibility 244
date prior to the member's death shall receive a monthly death 245
benefit under this division. The monthly death benefit shall be 246
one-half of an amount equal to the monthly salary received by the 247
deceased member prior to the member's death, plus any salary 248
increases the member would have received prior to the member's 249
retirement eligibility date. If there is more than one surviving 250
child, the benefit shall be divided equally among the surviving 251
children. 252

(2) If two or more surviving children each are receiving a 253
benefit under this division and any of those children becomes 254
ineligible to continue receiving a benefit as provided in division 255
(H) of this section, the remaining eligible child or children 256
shall receive an amount equal to one-half of the monthly salary 257
received by the deceased member prior to death, plus any salary 258
increases the deceased member would have received prior to the 259
retirement eligibility date. If there is more than one remaining 260
eligible child, the benefit shall be divided equally among the 261
eligible children. 262

(3) A death benefit, or portion of a death benefit, payable 263
to a surviving child under this division shall be reduced by an 264
amount equal to any allowance or benefit payable to that child 265
under section 742.3714 of the Revised Code, but the reduction in 266

that child's benefit shall not affect the amount payable to any other surviving child entitled to a portion of the death benefit.

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

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

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

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

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

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

(2) The member's accumulated contributions under this chapter

or Chapter 145. or 5505. of the Revised Code are refunded unless 298
the member had been a member of the public employees retirement 299
system and had fewer than eighteen months of total service credit 300
at the time of death. 301

(3) In the case of a full-time park district ranger or patrol 302
trooper, a full-time law enforcement officer of the department of 303
natural resources, a full-time law enforcement officer of parks, 304
waterway lands, or reservoir lands under the control of a 305
municipal corporation, a full-time law enforcement officer of a 306
conservancy district, a correction officer at an institution under 307
the control of a county, group of counties, or municipal 308
corporation, or a member of a retirement system operated by a 309
municipal corporation who at the time of the member's death was a 310
full-time law enforcement officer of parks, waterway lands, or 311
reservoir lands under the control of the municipal corporation, 312
the member died prior to April 9, 1981, in the case of a benefit 313
under division (B), (C), or (D) of this section, or prior to 314
January 1, 1980, in the case of a benefit under division (E) of 315
this section. 316

(4) In the case of a full-time department of public safety 317
enforcement agent who prior to June 30, 1999, was a liquor control 318
investigator of the department of public safety, the member died 319
prior to December 23, 1986; 320

(5) In the case of a full-time department of public safety 321
enforcement agent other than an enforcement agent who, prior to 322
June 30, 1999, was a liquor control investigator, the member died 323
prior to June 30, 1999. 324

(K) A surviving spouse whose benefit was terminated prior to 325
June 30, 1999, due to remarriage shall receive a benefit under 326
division (B), (D), or (F) of this section beginning on the first 327
day of the month following receipt by the board of an application 328
on a form provided by the board. The benefit amount shall be 329

determined as of that date. 330

(1) If the benefit will begin prior to the deceased member's 331
retirement eligibility date, it shall be paid under division (B) 332
or (D) of this section and shall terminate as provided in those 333
divisions. A benefit paid to a surviving spouse under division (D) 334
of this section shall be determined in accordance with that 335
division, even if benefits paid to surviving children are reduced 336
as a result. 337

(2) If the benefit will begin on or after the deceased 338
member's retirement eligibility date, it shall be paid under 339
division (F) of this section and shall terminate as provided in 340
that division. A benefit paid to a surviving spouse under division 341
(F) of this section shall be determined in accordance with that 342
division, even if benefits paid to surviving children are 343
terminated as a result. 344

Section 2. That existing section 742.63 of the Revised Code 345
is hereby repealed. 346