

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS85169-RF-8 (3/27)

Short Title: Inc. Line of Duty Death Benefit.

(Public)

Sponsors: Senator Kerr.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT OF THE DEATH BENEFIT PAID WHEN
A LAW ENFORCEMENT OFFICER, FIREFIGHTER, RESCUE SQUAD
WORKER, OR SENIOR CIVIL AIR PATROL MEMBER IS KILLED IN THE
LINE OF DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-166.3 reads as rewritten:

"§ 143-166.3. Payments; determination.

(a) When any law-enforcement officer, fireman, rescue squad worker or senior Civil Air Patrol member shall be killed in the line of duty, the Industrial Commission shall award a death benefit to be paid in the amounts set forth in subsection (b) to the following:

- (1) The spouse of such officer, fireman, rescue squad worker or senior Civil Air Patrol member if there be a surviving spouse; or
- (2) If there be no spouse qualifying under the provisions of this Article, then payments shall be made to any surviving dependent child of such officer, fireman, rescue squad worker or senior Civil Air Patrol member and if there be more than one surviving dependent child, then said payment shall be made to and equally divided among all surviving dependent children; or
- (3) If there be no spouse and no dependent child or children qualifying under the provisions of this Article, then payments shall be made to the surviving dependent parent of such officer, fireman, rescue squad worker or senior Civil Air Patrol member and if there be more than one surviving dependent parent then said payments shall be made to and equally divided between the surviving dependent parents of said

1 officer, fireman, rescue squad worker or senior Civil Air Patrol
2 member.

3 (b) Payment shall be made to the person or persons qualifying therefor under
4 subsection (a) in the following amounts:

5 (1) At the time of the death of an officer, fireman, rescue squad worker or
6 senior Civil Air Patrol member, ~~ten thousand dollars (\$10,000)~~ twenty
7 thousand dollars (\$20,000) shall be paid to the person or persons
8 entitled thereto.

9 (2) Thereafter, ~~five thousand dollars (\$5,000)~~ ten thousand dollars
10 (\$10,000) shall be paid annually to the person or persons entitled
11 thereto until the sum of the initial payment and each annual payment
12 reaches ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars
13 (\$50,000).

14 (3) In the event there is no person qualifying under subsection (a) of this
15 section, ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars
16 (\$50,000) shall be paid to the estate of the deceased officer, fireman,
17 rescue squad worker or senior Civil Air Patrol member at the time of
18 death.

19 (c) In the event that any person or persons eligible for payments under subsection
20 (a) of this section shall become ineligible, and other eligible person or persons qualify
21 for said death benefit payments under subsection (a), then they shall receive the
22 remainder of any payments up to the limit of ~~twenty five thousand dollars (\$25,000)~~
23 fifty thousand dollars (\$50,000) in the manner set forth in subsection (b) of this section.

24 (d) In the event any person or persons eligible for payments under subsection (a)
25 of this section shall become ineligible and no other person or persons qualify for
26 payments under that subsection and where the sum of the initial payment of ~~ten~~
27 ~~thousand dollars (\$10,000)~~ twenty thousand dollars (\$20,000) and each subsequent
28 annual payment of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) does
29 not total ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000), then
30 the difference between the total of the payments made and ~~twenty five thousand dollars~~
31 ~~(\$25,000)~~ fifty thousand dollars (\$50,000) shall immediately be payable to the estate of
32 the deceased officer, fireman, rescue squad worker, or senior Civil Air Patrol member."

33 **SECTION 2.** This act becomes effective July 1, 2003.