

CHAPTER 195
SB 331 – FINAL VERSION

.15May2012... 2019h

2012 SESSION

12-2804
06/09

SENATE BILL **331**

AN ACT clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty, and making an appropriation for a shortfall in an individual medical subsidy payment.

SPONSORS: Sen. Rausch, Dist 19; Sen. Boutin, Dist 16; Rep. Graham, Hills 18; Rep. Hawkins, Hills 18; Rep. Packard, Rock 3; Rep. Cloutier, Sull 4

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill clarifies the definition of surviving spouse of a police officer or firefighter killed in the line of duty and clarifies the time when determination of eligibility is made. This bill exempts the state from liability for claims of improper payment of a death benefit. The bill also makes an appropriation to the New Hampshire Local Government Center for a shortfall in an individual medical subsidy payment.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT clarifying the definition of surviving spouse for eligibility for line-of-duty death benefits for police officers or firefighters killed in the line of duty, and making an appropriation for a shortfall in an individual medical subsidy payment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 195:1 Death Benefit of a Police Officer or Firefighter Killed in Line of Duty. Amend RSA 21-
2 I:29-a, I(a) to read as follows:

3 (a) “Family” means the surviving spouse of the police officer or firefighter[-] ***who was***
4 ***wholly or partially dependent, in fact, upon the earnings of the police officer or firefighter;***
5 or, if there is no surviving spouse, the surviving dependent child or dependent children, of such police
6 officer or firefighter or, if there is no surviving dependent child, a surviving person qualifying as a
7 common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the
8 surviving adult child or adult children, or if there is no surviving adult child or adult children, the
9 surviving parent or parents of such police officer or firefighter. A surviving dependent child shall
10 include a dependent step-child whose expenses of daily living were substantially paid for by the
11 decedent at the time of the death.

12 195:2 Death Benefit of a Police Officer or Firefighter Killed in Line of Duty. Amend the
13 introductory paragraph of RSA 21-I:29-a, III and RSA 21-I:29-a, III(a) to read as follows:

14 III. The commissioner of safety, upon notice from the family or chief of department of any
15 firefighter or police officer who may be entitled to a line-of-duty death benefit or upon the
16 commissioner’s own initiative, shall obtain the available records related to the circumstances, cause,
17 and manner of such death and the decedent’s status as a firefighter or police officer, may cause
18 further inquiry to be made, and shall make a determination of whether the death qualifies as a line-
19 of-duty death ***and who is entitled to the death benefit***. The determination shall be made within
20 30 days of the determination of the cause and manner of death by the office of the chief medical
21 examiner, ***or within 30 days from the date the commissioner received notice from the family***
22 ***or chief of department of the firefighter or police officer, whichever is later***. For deaths that
23 are not reviewed by the office of the chief medical examiner, the determination shall be made within
24 30 days of a determination that the decedent qualifies for a workers’ compensation death benefit by a
25 worker’s compensation carrier, self-insured worker’s compensation plan, or the labor commissioner
26 pursuant to RSA 281-A, ***or within 30 days from the date the commissioner received notice***
27 ***from the family or chief of department of the firefighter or police officer, whichever is later***.

CHAPTER 195
SB 331 – FINAL VERSION
- Page 2 -

1 (a) Solely for the purposes of making this determination and notwithstanding any other
2 law to the contrary, the commissioner of safety may obtain any records ***held by any state or***
3 ***municipal official*** regarding the circumstances, cause, or manner of the death [~~held by any state or~~
4 ~~municipal official~~] ***and who is entitled to the death benefit.***

5 195:3 New Paragraph; Death Benefit for Police Officer or Firefighter Killed in Line of Duty.
6 Amend RSA 21-I:29-a by inserting after paragraph III the following new paragraph:

7 III-a. Neither the state nor its agencies or employees shall be civilly liable for any improper
8 payment of the line-of-duty death benefit as provided in this section.

9 195:4 Appropriation; Individual Medical Subsidy Shortfall. The sum of \$3,150.79 is hereby
10 appropriated to the New Hampshire Local Government Center for payment of the shortfall in
11 medical subsidy payments for the period of July 2009 through January 2010 on behalf of a certain
12 surviving spouse of a police officer killed in the line of duty. The governor is authorized to draw a
13 warrant for said sum out of any money in the treasury not otherwise appropriated.

14 195:5 Effective Date. This act shall take effect upon its passage.

15 Approved: June 11, 2012

16 Effective Date: June 11, 2012