

**DISABLED LAW ENFORCEMENT OFFICER AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: \_\_\_\_\_

---

**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 100% disability;
  - while in the lawful discharge of the officer's duty; and
  - that is the result of a motor vehicle 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 any benefit received under workers' compensation, long-term disability, and certain other payments; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

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 described in Subsection (4).

70 (3) (a) ~~[Each]~~ A law enforcement officer or state correctional officer who has a 100%  
71 disability ~~[through a criminal act upon the law enforcement officer's person while in the lawful~~  
72 ~~discharge of the law enforcement officer's duties;]~~ shall be given a leave of absence with ~~[full~~  
73 ~~compensation]~~ 100% of the officer's regular monthly salary and benefits until the ~~[law~~  
74 ~~enforcement]~~ officer ~~[retires]~~ is eligible for an unreduced retirement under Title 49, Utah State  
75 Retirement and Insurance Benefit Act, or reaches the retirement age of 62 years[-], whichever  
76 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 described in 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 from  
89 the following sources for the same period of time during which the eligible officer is entitled to

90 receive a monthly disability benefit under this section:

91 (i) workers' compensation benefits under Title 34A, Chapter 2, Workers' Compensation  
92 Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;

93 (ii) long-term disability benefits under Title 49, Chapter 21, Public Employees'  
94 Long-Term Disability Act;

95 (iii) any money received by judgment, legal action, or settlement from a third party  
96 liable to the eligible officer for the disability;

97 (iv) automobile no-fault, medical payments, or similar insurance payments; and

98 (v) any money received by a judgment, settlement, or other payment as a result of a  
99 claim against an employer.

100 (b) Any amounts payable to the eligible officer from one or more of the sources under  
101 Subsection (4)(a) are considered as amounts received whether or not the amounts were actually  
102 received by the eligible officer.

103 (c) (i) An eligible officer shall first apply for all disability benefits from governmental  
104 entities under Subsection (4)(a) to which the eligible officer is or may be entitled, and provide  
105 to the employing agency evidence of the applications.

106 (ii) If the eligible officer fails to make application under this Subsection (4)(c), the  
107 monthly disability benefit shall be suspended.

---

---

**Legislative Review Note**  
**as of 1-31-12 12:20 PM**

**Office of Legislative Research and General Counsel**