

## Department of Planning and Budget 2008 Fiscal Impact Statement

1. **Bill Number:** HB 271

**House of Origin**   X   Introduced   \_\_\_ Substitute   \_\_\_ Engrossed

**Second House**   \_\_\_ In Committee   \_\_\_ Substitute   \_\_\_ Enrolled

2. **Patron:** Miller

3. **Committee:** Appropriations

4. **Title:** Line of Duty Act

5. **Summary:** This bill amends the Line of Duty Act by changing the definition of “deceased person” to include individuals who suffer a heart attack or stroke during non-routine, stressful, or strenuous law-enforcement situations, fire suppression, rescue, or other such activities while engaged in the activity or not later than 24 hours after the activity. The bill also allows for the \$100,000 payment to the beneficiary of the deceased to be annually adjusted to reflect changes in the Consumer Price Index.

6. **Fiscal Impact Estimates:** Preliminary, see Item 8

7. **Budget Amendment Necessary:** Yes. Department of Accounts Transfer Payments, Item 267.

8. **Fiscal Implications:** This bill increases the number of individuals who will receive the maximum benefit (currently \$100,000) under the Line of Duty Act. If the bill is interpreted to be prospective after enactment then about three individuals per year will be included. This change will increase payments from \$25,000 per case to the \$100,000. Therefore the impact will be \$225,000 per year plus the impact of the Consumer Price Index.

In the event the bill is interpreted to be retroactive because the amended language is within the paragraph that defines deaths as those occurring after April 8, 1972, the bill implicitly provides the ability for past claimants meeting the referenced fatality circumstances to file new claims for payment of the difference between the presumptive death benefit amount previously paid and the higher direct and proximate death benefit amount available at the time of their death. Since this definition was not in place at the time of the original state police investigation, information may be unavailable or difficult to obtain. Additional funding for state police investigations will be necessary to document the time and circumstances of stressful incidents and the time of death in sufficient detail to allow the State Comptroller to make a decision on which deaths meet the new criteria. The number of disability and death claims approved due to heart attack or stroke presumptions since April 8, 1972 is 108. The percentage of these deaths that will meet the new criteria cannot be estimated. Additional funding for additional benefits if all eligible claimants file claims is estimated at a maximum of \$1.85 million. Adjusting the death benefit based upon the Consumer Price Index can be handled administratively without difficulty.

The Department of Accounts will absorb this additional work with existing staff. The Department of the State Police will also incur additional work related to the additional investigation that may be required for these claims.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Accounts; Department of Accounts Transfer Payments; and Department of State Police.
- 10. Technical Amendment Necessary:** If it is the intent of the bill not to be retroactive, then an amendment could be made on line 43 at the beginning of the line “Beginning on and after July 1, 2008...”
- 11. Other Comments:** If the technical amendment is made it could limit the fiscal impact of the bill.

**Date:** 1/22/2008 dpbjwe

**Document:** G:\2008FIS HB 271.doc

cc: Secretary of Public Safety  
Secretary of Finance