

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE BILL 938**

Short Title: Inc. Line of Duty Death Benefit.

(Public)

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Sponsors: Senator Kerr.

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Referred to: Appropriations/Base Budget.

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April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE AMOUNT OF THE DEATH BENEFIT PAID WHEN  
2 A LAW ENFORCEMENT OFFICER, FIREFIGHTER, RESCUE SQUAD  
3 WORKER, OR SENIOR CIVIL AIR PATROL MEMBER IS KILLED IN THE  
4 LINE OF DUTY.  
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 143-166.3. Payments; determination.**

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

13 (1) The spouse of such officer, fireman, rescue squad worker or senior  
14 Civil Air Patrol member if there be a surviving spouse; or

15 (2) If there be no spouse qualifying under the provisions of this Article,  
16 then payments shall be made to any surviving dependent child of such  
17 officer, fireman, rescue squad worker or senior Civil Air Patrol  
18 member and if there be more than one surviving dependent child, then  
19 said payment shall be made to and equally divided among all surviving  
20 dependent children; or

21 (3) If there be no spouse and no dependent child or children qualifying  
22 under the provisions of this Article, then payments shall be made to the  
23 surviving dependent parent of such officer, fireman, rescue squad  
24 worker or senior Civil Air Patrol member and if there be more than  
25 one surviving dependent parent then said payments shall be made to  
26 and equally divided between the surviving dependent parents of said  
27 officer, fireman, rescue squad worker or senior Civil Air Patrol  
28 member.

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

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

7 (2) Thereafter, ~~five thousand dollars (\$5,000)~~ ten thousand dollars  
8 (\$10,000) shall be paid annually to the person or persons entitled  
9 thereto until the sum of the initial payment and each annual payment  
10 reaches ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars  
11 (\$50,000).

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

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

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

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