**South Carolina General Assembly**

125th Session, 2023-2024

**A75, R91, S108**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams

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Introduced in the Senate on January 10, 2023

Introduced in the House on March 30, 2023

Last Amended on June 14, 2023

Currently residing in the Senate

Summary: Death Benefits for Law Enforcement Killed in the Line of Duty

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Finance**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 62](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Finance** ([Senate Journal‑page 62](h:\sj\20230110.docx))

2/8/2023 Scrivener's error corrected

3/22/2023 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 7](h:\sj\20230322.docx))

3/24/2023 Scrivener's error corrected

3/28/2023 Senate Read second time ([Senate Journal‑page 74](h:\sj\20230328.docx))

3/29/2023 Senate Amended ([Senate Journal‑page 21](h:\sj\20230329.docx))

3/29/2023 Senate Read third time and sent to House ([Senate Journal‑page 21](h:\sj\20230329.docx))

3/29/2023 Senate Roll call Ayes-41 Nays-0 ([Senate Journal‑page 21](h:\sj\20230329.docx))

3/30/2023 House Introduced and read first time ([House Journal‑page 23](h:\hj\20230330.docx))

3/30/2023 House Referred to Committee on **Ways and Means** ([House Journal‑page 23](h:\hj\20230330.docx))

3/31/2023 Scrivener's error corrected

5/4/2023 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 7](h:\hj\20230504.docx))

5/8/2023 Scrivener's error corrected

5/9/2023 House Debate adjourned ([House Journal‑page 26](h:\hj\20230509.docx))

5/10/2023 House Amended ([House Journal‑page 78](h:\hj\20230510.docx))

5/10/2023 House Read second time ([House Journal‑page 78](h:\hj\20230510.docx))

5/10/2023 House Roll call Yeas-113 Nays-0 ([House Journal‑page 81](h:\hj\20230510.docx))

5/11/2023 House Read third time and returned to Senate with amendments ([House Journal‑page 16](h:\hj\20230511.docx))

5/11/2023 Senate Non-concurrence in House amendment ([Senate Journal‑page 53](h:\sj\20230511.docx))

5/11/2023 Senate Roll call Ayes-0 Nays-40 ([Senate Journal‑page 53](h:\sj\20230511.docx))

5/11/2023 House House insists upon amendment and conference committee appointed Reps. Hyde, Gagnon, Howard ([House Journal‑page 73](h:\hj\20230511.docx))

5/11/2023 Scrivener's error corrected

5/11/2023 Senate Conference committee appointed Davis, K.Johnson, Turner ([Senate Journal‑page 55](h:\sj\20230511.docx))

6/14/2023 House Free conference powers granted ([House Journal‑page 31](h:\hj\20230614.docx))

6/14/2023 House Roll call Yeas-105 Nays-0 ([House Journal‑page 31](h:\hj\20230614.docx))

6/14/2023 House Free conference committee appointed Hyde, Gagnon, Howard ([House Journal‑page 31](h:\hj\20230614.docx))

6/14/2023 House Free conference report received and adopted ([House Journal‑page 33](h:\hj\20230614.docx))

6/14/2023 House Roll call Yeas-103 Nays-0 ([House Journal‑page 33](h:\hj\20230614.docx))

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6/14/2023 Senate Free conference report received and adopted ([Senate Journal‑page 53](h:\sj\20230614.docx))

6/14/2023 Senate Roll call Ayes-36 Nays-0 ([Senate Journal‑page 53](h:\sj\20230614.docx))

6/14/2023 Senate Ordered enrolled for ratification ([Senate Journal‑page 62](h:\sj\20230614.docx))

6/14/2023 Ratified R 91

6/19/2023 Signed By Governor

6/26/2023 Effective date 06/19/23

6/26/2023 Act No. 75

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(A75, R91, S108)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9‑1‑1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 9‑11‑120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; BY AMENDING SECTION 42‑7‑90, RELATING TO EXPENDITURES FROM THE STATE ACCIDENT FUND, SO AS TO ADD “FIRST RESPONDER LINE OF DUTY DEATH BENEFIT”; AND BY ADDING SECTION 42‑7‑220 SO AS TO ESTABLISH THE SOUTH CAROLINA FIRST RESPONDER LINE OF DUTY DEATH BENEFIT FUND.

Be it enacted by the General Assembly of the State of South Carolina:

Preretirement death benefits under the South Carolina Retirement System

SECTION 1. Section 9-1-1770(D) of the S.C. Code is amended to read:

(D)(1) For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s wilful negligence, suicide, or intentionally self‑inflicted bodily injury, there must be paid to the member’s designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member’s death is either:

(a) the result of an unlawful and intentional act of another person; or

(b) the result of an accident that occurs:

(i) as a result of the member’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member’s response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member’s lifetime. If no designation is made, then the payment must be paid to the member’s surviving spouse. If there is no surviving spouse, the payment must be paid to the member’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker’s compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program’s actual experience and the recommendation of the system’s actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set‑off, or lien claimed pursuant to Section 42‑1‑560.

Preretirement death benefits under the Police Officers Retirement System

SECTION 2. Section 9-11-120(E) of the S.C. Code is amended to read:

(E)(1) For the purposes of this subsection, a first responder is defined by Section 42-7-90(3)(a) who is an active member of the retirement system. Nothing in this subsection may be construed to expand the eligibility requirements for membership in the system.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member’s wilful negligence, suicide, or intentionally self‑inflicted bodily injury, there must be paid to the member’s designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(3) The amount of the benefit provided for in item (2) is increased to a total of one hundred fifty thousand dollars if the member is killed in the line of duty as defined above and the member’s death is either:

(a) the result of an unlawful and intentional act of another person; or

(b) the result of an accident that occurs:

(i) as a result of the member’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(ii) as a result of the member’s response to what is reasonably believed to be an emergency;

(iii) at the scene of a traffic accident to which the member has responded; or

(iv) while the member is enforcing what is reasonably believed to be a traffic law or ordinance.

(4) Payments made pursuant to this subsection must be paid to the beneficiary designated for this benefit by the member in writing and filed with the system during the member’s lifetime. If no designation is made, then the payment must be paid to the member’s surviving spouse. If there is no surviving spouse, the payment must be paid to the member’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the member’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the member’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker’s compensation, and are exempt from the claims and demands of creditors of the member.

(5) Payments made pursuant to this subsection must be paid from the contributions made by participating employers to the Preretirement Death Benefit Program. Notwithstanding any other provision of law, the board may adjust the required contributions to the Preretirement Death Benefit Program as necessary to fund these benefits on the basis of the program’s actual experience and the recommendation of the system’s actuary.

(6) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set‑off, or lien claimed pursuant to Section 42‑1‑560.

First responder line of duty death benefits

SECTION 3. Section 42-7-90 of the S.C. Code is amended by adding:

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term “first responder” means:

(i) an emergency medical technician as defined in Section 44‑61‑20(12);

(ii) a law enforcement officer as defined in Section 23‑23‑10(E)(1);

(iii) a corrections officer as described in Section 23-1-145 or Section 24-1-280;

(iv) reserves as defined in Section 23-28-10(A);

(v) constables appointed pursuant to Section 23-1-60;

(vi) a fire department worker who serves on a paid or voluntary basis for a firefighting agency, fire department, or a volunteer fire department and who performs duties related to rescue, fire suppression, and public safety; or

(vii) a coroner as defined in Section 17-5-5(3) or a deputy coroner as defined in Section 17‑5‑5(5) who directly engages in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder’s employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder’s wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder’s death is either:

(i) the result of an unlawful and intentional act of another person; or

(ii) the result of an accident that occurs:

(A) as a result of the first responder’s response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder’s response to what is reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner prescribed by the agency during the first responder’s lifetime. If no designation is made, then the payment must be paid to the first responder’s surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder’s surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder’s surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder’s estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker’s compensation, but excluding first responder death benefit payments made to a member of a retirement system, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42‑1‑560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

South Carolina First Responder Line of Duty Death Benefit Fund

SECTION 4. Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42-7-220. There is established, within the office of the State Accident Fund, the South Carolina First Responder Line of Duty Death Benefit Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year. This fund is created to ensure payment of line of duty death benefits to first responders as defined in Section 42-7-90 and only may be used for that purpose. The fund must be administered by the Director of the State Accident Fund who shall establish procedures to implement this section. Upon request from the Director of the State Accident Fund, the State Treasurer shall transfer from general funds of the State into the separate fund such sufficient amounts to pay claims that are owing and due pursuant to this section. The State Accident Fund, in coordination with the Office of State Treasurer, shall provide a report on an annual basis on the claims from the fund to the Senate Finance Committee and the House Ways and Means Committee.

Time effective

SECTION 5. This act takes effect on May 11, 2023.

Ratified the 14th day of June, 2023.

Approved the 19th day of June, 2023.

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