

1973 Senate Bill 299

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### CHAPTER 180, Laws of 1973

AN ACT to create 20.445 (5) and 101.81 of the statutes, relating to payment of compensation on behalf of law enforcement officers, correctional officers and firemen killed in action.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.445 (5) of the statutes is created to read:

20.445 (5) DEATH BENEFITS. (a) *Law enforcement, correctional officers and firemen benefits.* A sum sufficient for the payment of death benefits under s. 101.81.

SECTION 2. 101.81 of the statutes is created to read:

**101.81 Law enforcement, correctional officers and firemen compensation.** (1) DEFINITIONS. As used in this section:

(a) "Law enforcement officer" means any person employed by the state or any political subdivision for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he is employed to enforce, whether that enforcement authority extends to all laws or ordinances or is limited to specific laws or ordinances.

(b) "Correctional officer" means any person employed by the state or any political subdivision as a guard or officer whose principal duties are supervision and discipline of inmates at a penal institution, prison, jail, house of correction or other place of penal detention, including central state hospital.

(c) "Fireman" means any person employed by the state or any political subdivision as a member or officer of a fire department or a member of a volunteer department, including the state fire marshal and his deputies.

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(d) "Political subdivision" includes counties, municipalities and municipal corporations.

(e) "State" means the state of Wisconsin and its departments, divisions, boards, bureaus, commissions, authorities and colleges and universities.

(f) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, correctional officer or fireman if the death occurs within one year from the date the injury was received and if that injury arose from violence or accidental cause. This term excludes death resulting from the wilful misconduct or intoxication of the officer or fireman. The burden of proof of such wilful misconduct or intoxication of the officer or fireman is on the department.

(2) COMPENSATION. (a) If a claim therefor is made within one year of the date of death of a law enforcement officer, correctional officer or fireman, compensation in the amount of \$25,000 shall be paid to the person or persons designated, or to the estate if there is no such designation, of a law enforcement officer, correctional officer or fireman killed in the line of duty. No part of such compensation may be paid to any other person for any efforts in securing compensation.

(b) If the family size of the deceased officer or fireman is greater than 4 members an additional award of \$2,000 shall be paid for each additional member.

(3) FILING OF CLAIM. (a) Notwithstanding sub. (2), no compensation is payable under this section unless a claim is filed, within the time specified by sub. (2), with the department on an application prescribed and furnished by the department and setting forth:

1. The name, address and title or designation of the position in which the officer or fireman was serving at the time of his death;

2. The names and addresses of person or persons designated by the officer or fireman to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there is no such designation, the name and address of the personal representative of the estate of the officer or fireman;

3. A full, factual account accompanied by affidavits of the circumstances resulting in the course of events causing the death of the officer or fireman; and

4. Such other information as the department may reasonably require in a particular item.

(b) When a claim is filed, the department may make reasonable demands for substantiation of matters set forth in such an application.

(4) The immediate supervisor or the employer of the law enforcement officer, correctional officer or fireman shall immediately notify the department of the death of such officer or fireman, and file the application for benefits to be awarded under this section.

(5) NOT TO AFFECT OTHER RIGHTS, BENEFITS OR COMPENSATION. The compensation provided for in this section is in addition to, and not exclusive of, any pension rights, death benefits or other compensation otherwise payable by law.

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SECTION 3. Notwithstanding the effective date of this act, it shall be retroactive to January 1, 1973.

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