**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4816**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman, W. Newton and Carter

Document Path: l:\council\bills\nbd\11312dg22.docx

Companion/Similar bill(s): 926

Introduced in the House on January 19, 2022

Currently residing in the House Committee on **Ways and Means**

Summary: Police officer retirement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/19/2022 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj\20220119.docx))

1/19/2022 House Referred to Committee on **Ways and Means** ([House Journal‑page 7](file:///h:\hj\20220119.docx))

1/20/2022 House Member(s) request name added as sponsor: Carter

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**VERSIONS OF THIS BILL**

[1/19/2022](file:///p:\pprever\2021-22\4816_20220119.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9‑11‑145 SO AS TO PROVIDE AN ADDITIONAL ONE‑TIME PAYMENT TO MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM WHO ARE KILLED IN THE LINE OF DUTY, AND TO SET FORTH THE AMOUNT OF THE PAYMENT DEPENDENT ON THE CIRCUMSTANCES OF THE DEATH.

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

SECTION 1. Article 1, Chapter 11, Title 9 of the 1976 Code is amended by adding:

“Section 9‑11‑145. (A) If a member, while engaged in the performance of the member’s duties, is accidentally killed or receives accidental bodily injury which results in the loss of the member’s life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self‑inflicted, the sum of seventy‑five thousand dollars must be paid to the member’s beneficiary as set forth in subsection (D).

(B) In addition to the amount paid pursuant to subsection (A), the sum of seventy‑five thousand dollars must be paid to the member’s beneficiary, if a member is accidentally killed as specified in subsection (A) and the accidental death occurs:

(1) as a result of the member’s response to fresh pursuit;

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

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

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

(C) If a member, while engaged in the performance of the member’s duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act, the sum of two hundred twenty‑five thousand dollars must be paid to the member’s beneficiary as provided in subsection (D). A payment made pursuant to this subsection is in lieu of the payments made pursuant to subsections (A) and (B).

(D) Payments made pursuant to this section, whether secured by insurance or not, must be made to the beneficiary designated by the member in writing, signed by the member, and delivered to the employer during the member’s lifetime. If no such designation is made, then the payments must be paid to the member’s surviving child or children and to the member’s surviving spouse in equal portions, and if there is no surviving child or spouse, then to the member’s parent or parents. 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.

(E) The payments required by this section 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.

(F) The board shall administer the benefits authorized in this section and shall establish a subfund within the Division of Retirement Systems from which to make payments. Each year, the board must include in its budget request an estimated amount necessary to be maintained in the fund, including a reserve amount. Each year in the annual general appropriations act, the General Assembly shall appropriate sufficient monies to the subfund to enable the board to make the payments required by this section.

(G) For purposes of this section, ‘fresh pursuit’ means 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. The term does not imply instant pursuit, but pursuit without unreasonable delay.”

SECTION 2. This act takes effect July 1, 2022, and payments are required for any such member who is killed thereafter.

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