

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 642

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; PROVIDING LEGISLATIVE
2 INTENT; AMENDING SECTION 59-1352B, IDAHO CODE, TO PROVIDE FOR PUB-
3 LIC SAFETY OFFICER CATASTROPHIC DEATH BENEFITS; REPEALING SECTION
4 59-1361A, IDAHO CODE, RELATING TO PUBLIC SAFETY OFFICER DEATH BENEFITS;
5 AND DECLARING AN EMERGENCY.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. LEGISLATIVE FINDINGS AND INTENT. As a result of the hor-
9 rific, violent, and targeted attack on firefighters in North Idaho on June
10 29, 2025, that resulted in the murder of two Idaho public safety officers and
11 significant injuries to others, it was identified that catastrophic bene-
12 fits available to surviving spouses or dependent children of public safety
13 officers who died in the line of duty were less than the catastrophic injury
14 benefit available to public safety officers who were catastrophically in-
15 jured but survived.

16 This legislation creates consistency between benefits for a cata-
17 strophic injury or death that occurs in the line of duty, ensuring that
18 one benefit is not greater than the other. Specifically, this legislation
19 increases the lump-sum death benefit available to surviving spouses or de-
20 pendent children to match the catastrophic injury benefit. It also provides
21 a pension benefit to surviving spouses that is consistent with the benefit
22 currently available when a public safety officer dies following qualifica-
23 tion for the catastrophic injury benefit.

24 The increase in benefits as a result of this legislation will be funded
25 solely through public safety officer pension contribution rates.

26 SECTION 2. That Section 59-1352B, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 59-1352B. PUBLIC SAFETY OFFICER CATASTROPHIC INJURY OR DEATH LINE OF
29 DUTY BENEFITS. (1) For purposes of this section:

30 (a) "Catastrophic injury" means a sudden, violent, life-threatening,
31 duty-related injury sustained by an active member within the scope of
32 the public safety officer's duties and within the department policy
33 that is due to an externally caused event such as a motor vehicle colli-
34 sion, gunshot wound, aggravated battery, structural collapse, signifi-
35 cant fall, or other external event or events that is not self-inflicted
36 or the result of intoxication; provided, however, that no psychological
37 injury, disorder, or condition shall be considered a catastrophic in-
38 jury under this definition. The injury, if it does not result in death,
39 must be of such severity that it causes the loss of ability to maintain
40 certifications required by the state of Idaho, the member's department,

1 or both. The injury shall be supported by evidence of one (1) or more of
2 the following conditions:

3 (i) Total, complete, permanent, and uncorrectable loss of sight
4 in both eyes;

5 (ii) Total, complete, permanent, and uncorrectable loss of hear-
6 ing in both ears;

7 (iii) Total, complete, and permanent loss of the ability to speak;

8 (iv) Total, complete, and permanent loss of the use of one (1) or
9 both feet at or above the ankle;

10 (v) Total, complete, and permanent loss of the use of one (1) or
11 both hands at or above the wrist;

12 (vi) Injury to the spine that results in a total, permanent, and
13 complete paralysis of both arms, both legs, or one (1) arm and one
14 (1) leg; ~~or~~

15 (vii) An externally caused, physical traumatic injury to the brain
16 that renders the member physically or mentally unable to perform
17 the duties of a public safety officer; or

18 (viii) A catastrophic injury that results in death.

19 (b) "Catastrophic injury that results in death" means the death of a
20 public safety officer in a manner that would qualify for the payment
21 of death benefits pursuant to regulations issued by the United States
22 department of justice pursuant to 34 U.S.C. 10281; provided, however,
23 that the retirement board is authorized to revise such definition.

24 ~~(b)~~ (c) "Catastrophic line of duty benefits" means benefits payable to
25 a:

26 (i) A public safety officer who sustains a catastrophic injury
27 pursuant to this section; or

28 (ii) The surviving spouse of a public safety officer who sustained
29 a catastrophic injury that results in death.

30 (d) "Dependent child" means a surviving natural or legally adopted
31 child who is under twenty-one (21) years of age at the time of a public
32 safety officer's catastrophic injury that results in death.

33 ~~(e)~~ (e) "Public safety officer" means a police officer member as set
34 forth in section 59-1303, Idaho Code, or a firefighter member as set
35 forth in section 59-1302(16), Idaho Code.

36 (2) A public safety officer who sustains a catastrophic injury or the
37 surviving spouse of a public safety officer who sustained a catastrophic in-
38 jury that results in death as set forth in this section is eligible for:

39 (a) A onetime permanent catastrophic injury benefit in the amount of
40 five hundred thousand dollars (\$500,000); and

41 (b) An ongoing annual benefit in an amount not less than seventy-five
42 thousand dollars (\$75,000) per year, to be adjusted every four (4) years
43 pursuant to an actuarial study to determine the change in average public
44 safety officer benefits over the previous four (4) years.

45 (3) In the event of a public safety officer's catastrophic injury that
46 results in death, if there is no surviving spouse, the public safety offi-
47 cer's dependent children are eligible for the benefit provided for in sub-
48 section (2) (a) of this section. Benefits to dependent children shall be paid
49 in accordance with the provisions of chapter 8, title 68, Idaho Code; pro-

1 vided that when there are multiple dependent children, the benefit shall be
2 divided equally among them.

3 ~~(3)~~ (4) In the event a public safety officer receiving the catastrophic
4 line of duty benefit as set forth in this section dies and leaves a surviv-
5 ing spouse to whom the member was married at the time of the catastrophic in-
6 jury, such surviving spouse shall receive the catastrophic line of duty ben-
7 efit for the duration of such spouse's life to which the public safety offi-
8 cer would have been entitled.

9 ~~(4)~~ (5) The benefits payable under this section shall not be subject to
10 Idaho state income tax.

11 ~~(5)~~ (6) A public safety officer, the public safety officer's surviving
12 spouse, or the public safety officer's surviving dependent child who seeks
13 to obtain benefits under this section shall apply to the retirement board
14 within twelve (12) months of the date of the incident resulting in the public
15 safety officer's catastrophic injury. No benefit shall be payable unless
16 the retirement board determines eligibility pursuant to the requirements of
17 this section. A public safety officer's refusal to submit to a medical exam-
18 ination ordered by the board before the commencement of a catastrophic line
19 of duty benefit or at any reasonable time thereafter shall constitute proof
20 that the member is not eligible for the benefits provided for in this sec-
21 tion.

22 ~~(6)~~ (7) The benefits provided for in this section shall not be in addi-
23 tion to other benefits under this chapter.

24 ~~(7)~~ (8) If a public safety officer who qualifies for benefits provided
25 for in this section again becomes an employee in a nonpublic safety offi-
26 cer position as defined in sections 59-1302(14) and (16) and 59-1303, Idaho
27 Code, as a result of returning to employment with an employer as defined in
28 section 59-1302(15), Idaho Code, the public safety officer may elect to con-
29 tinue receiving benefits and not accrue additional service. In such circum-
30 stance, no contributions shall be made by the member during such reemploy-
31 ment and the public safety officer catastrophic line of duty benefit payable
32 on the behalf of the member shall continue.

33 ~~(8)~~ (9) It is the intent of the legislature that this benefit shall be
34 funded solely by public safety officers in perpetuity and not by an employer
35 as defined in section 59-1302(15), Idaho Code. Therefore, the costs asso-
36 ciated with providing this benefit as determined by the board shall be paid
37 solely by public safety officers. An actuarial cost analysis of the benefit
38 will be performed every four (4) years by the board. However, in instances
39 involving a catastrophic injury that results in death, the first one hundred
40 thousand dollars (\$100,000) of the benefit shall be paid for by the employers
41 of public safety officers as an additional contribution component separate
42 and distinct from all other obligations under this chapter. The portion of
43 costs to be paid by the employers of public safety officers pursuant to this
44 subsection is a continuation of how such costs were previously paid for pub-
45 lic safety officer death benefits. Such costs shall be paid in a manner as
46 determined by the board.

47 (10) Any individual who qualified for or was eligible to receive the
48 public safety officer death benefit between July 1, 2021, and the effective
49 date of this subsection shall receive the balance of the improved benefit as
50 provided for in this section.

1 SECTION 3. That Section [59-1361A](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 4. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.