

TITLE 72
WORKER'S COMPENSATION AND RELATED LAWS -- INDUSTRIAL COMMISSION

CHAPTER 11
PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY ACT

72-1101. LEGISLATIVE INTENT. The purpose of this chapter is to provide a full salary to employees in certain dangerous occupations who have been injured on the job. The legislature finds that the rights and protections provided to peace officers and detention officers under this chapter constitute matters of statewide concern. Since these officers are employed in dangerous conditions, it is necessary that this chapter be applicable to all such officers wherever situated within the state of Idaho. In addition to the provisions of this chapter, state and local law enforcement agencies may provide additional monetary protections for their employees.

[72-1101, added 2007, ch. 365, sec. 1, p. 1098.]

72-1102. SHORT TITLE. This chapter shall be known and may be cited as the "Peace Officer and Detention Officer Temporary Disability Act."

[72-1102, added 2007, ch. 365, sec. 1, p. 1099.]

72-1103. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Detention officer" means an employee in a county jail who is responsible for the safety, care, protection and monitoring of county jail inmates; and

(2) "Peace officer" means any employee of a police or other law enforcement agency that is a part of or administered by the state or any political subdivision thereof who has the duty to arrest and whose duties include the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this state or any political subdivision of this state and shall include, but not be limited to, appointed chiefs, elected sheriffs, and fish and game officers.

[72-1103, added 2007, ch. 365, sec. 1, p. 1099.]

72-1104. COMPENSATION AND COSTS. On and after July 1, 2008, and subject to available funds in the peace officer and detention officer temporary disability fund established in section 72-1105, Idaho Code:

(1) Any peace officer or detention officer employed by the state of Idaho or any city or county thereof who is injured in the performance of his or her duties:

(a) When responding to an emergency; or

(b) When in the pursuit of an actual or suspected violator of the law; or

(c) When the injury is caused by the actions of another person,

and by reason thereof is temporarily incapacitated from performing his or her duties and qualifies for worker's compensation wage loss benefits under title 72, Idaho Code, shall be paid his or her full rate of base salary, as fixed by the state or by applicable ordinance or resolution, until the temporary disability arising from such injury has ceased. The employer shall withhold, collect and pay income tax on the salary paid to the employee as required by chapter 30, title 63, Idaho Code. Determinations and any disputes regarding entitlement to benefits under this chapter shall be decided by the

industrial commission in accordance with the provisions of title 72, Idaho Code, and commission rules.

(2) During the period for which the salary for temporary incapacity shall be paid by the employer, any worker's compensation received or collected by the employee shall be remitted to the state or to the respective city or county, as applicable, and paid into the treasury thereof. In addition, the employer shall be reimbursed for any remaining amount of salary not covered by such worker's compensation by application to the peace officer and detention officer temporary disability fund, as established in section 72-1105, Idaho Code, pursuant to rules adopted by the industrial commission; provided however, that any such reimbursement from the fund shall continue only during such period as the employee qualifies for worker's compensation wage loss benefits under title 72, Idaho Code.

[72-1104, added 2007, ch. 365, sec. 1, p. 1099; am. 2012, ch. 186, sec. 1, p. 490.]

72-1105. FUND ESTABLISHED -- FINES -- DISPOSITION. (1) The peace officer and detention officer temporary disability fund is hereby created in the state treasury and shall be administered by the industrial commission for the purpose of providing a full rate of salary for any peace officer or detention officer who is injured while engaged in those activities as provided in section 72-1104, Idaho Code, and is thereby temporarily incapacitated from performing his or her duties. Moneys shall be paid into the fund as provided by law and shall consist of fines collected pursuant to subsection (2) of this section, appropriations, gifts, grants, donations and income from any other source. Moneys in the fund may be appropriated only for the purposes of this chapter, which shall include administrative expenses. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

(2) In addition to any other fine that may be imposed upon each person found guilty of criminal activity, the court shall impose a fine in the amount of three dollars (\$3.00) for each conviction or finding of guilt of each felony or misdemeanor count, for each conviction or finding of guilt of an infraction under section 18-8001 or 49-301, Idaho Code, or for each conviction or finding of guilt of a first-time infraction under section 23-604 or 23-949, Idaho Code, unless the court orders that such fine be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court.

(3) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this section shall be paid into the peace officer and detention officer temporary disability fund.

[72-1105, added 2007, ch. 365, sec. 1, p. 1099; am. 2016, ch. 344, sec. 11, p. 996; am. 2018, ch. 189, sec. 4, p. 416; am. 2018, ch. 298, sec. 10, p. 714.]