



General Assembly

**Substitute Bill No. 5415**

*January Session, 2001*

**AN ACT PRESERVING POLICE OFFICER SURVIVORS' BENEFITS  
FOLLOWING REMARRIAGE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 5-146 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (a) If any member of the Division of State Police within the  
4 Department of Public Safety in employment on June 21, 1961, who has  
5 elected survivors' benefits, or any state police officer who commenced  
6 employment subsequent to June 21, 1961, and who in either event was  
7 not subject to the federal Insurance Contributions Act for such  
8 employment, dies from any cause before retirement from state service,  
9 leaving a surviving spouse or dependent unmarried children under  
10 the age of eighteen years, there shall be paid survivors' allowances  
11 from the State Employees Retirement Fund on and after July 1, 1982,  
12 on the following basis: (1) To the surviving spouse, a monthly  
13 allowance of [five hundred fifty] one thousand dollars commencing  
14 immediately upon the death of such member of the Division of State  
15 Police within the Department of Public Safety payable for the  
16 surviving spouse's lifetime; [or until subsequent remarriage;] (2) if  
17 there are less than three surviving dependent children, a monthly  
18 allowance of two hundred fifty dollars per child payable to the  
19 surviving spouse or other guardian until each child reaches the age of  
20 eighteen or until the child's marriage if such occurs earlier; (3) if there

21 are three or more surviving dependent children, a monthly allowance  
22 of five hundred seventy-five dollars to be divided equally among all  
23 the dependent children; as each such dependent child reaches the age  
24 of eighteen years, or marries, if such occurs earlier, that child's share  
25 shall be deemed divided equally among the remaining surviving  
26 children, provided each child's share shall not exceed two hundred  
27 fifty dollars; when the shares of all but one of such surviving children  
28 have ceased, the pension to the remaining surviving child shall be two  
29 hundred fifty dollars.

30 Sec. 2. Section 7-323e of the general statutes is repealed and the  
31 following is substituted in lieu thereof:

32 (a) When any full-time paid [policeman] police officer or [fireman]  
33 firefighter who was covered by the provisions of this part dies, either  
34 before or after retirement, the surviving spouse of such [policeman]  
35 police officer or [fireman] firefighter shall, until the death [or  
36 remarriage] of such spouse, receive out of the fund a monthly sum  
37 equal to twenty-five per cent of the compensation of such [policeman]  
38 police officer or [fireman] firefighter.

39 (b) During any period in which such spouse has one dependent  
40 child under eighteen years of age, provided such child was dependent  
41 on such [policeman] police officer or [fireman] firefighter at the time of  
42 death, such spouse shall receive from the fund an additional monthly  
43 sum equal to twelve and one-half per cent of the compensation of such  
44 [policeman] police officer or [fireman] firefighter.

45 (c) During any period in which such spouse has two or more  
46 dependent children under eighteen years of age, provided such  
47 children were dependent on such [policeman] police officer or  
48 [fireman] firefighter at the time of [his or her] death, such spouse shall  
49 receive from the fund an additional monthly sum equal to twenty-five  
50 per cent of the compensation of such [policeman] police officer or  
51 [fireman] firefighter.

52 (d) If no spouse survives such [policeman] police officer or [fireman]

53 firefighter who, at death, has one or more dependent children under  
54 eighteen years of age, or upon the death [or remarriage] of the spouse  
55 while receiving monthly payments with respect to one or more  
56 dependent children [as hereinbefore described] under eighteen years  
57 of age, the Retirement Commission shall cause to be paid to the legal  
58 guardian of such dependent child or children under eighteen years of  
59 age, or [in its discretion] to the spouse if such spouse remarries, for the  
60 sole use and benefit of such child or children a monthly sum equal to  
61 twenty-five per cent of compensation in the case of one such child and  
62 thirty-seven and one-half per cent of compensation in the case of two  
63 or more children. In any case where payments under this section are  
64 being made with respect to one or two such children, as each such  
65 child reaches eighteen years of age payment as to such child shall  
66 cease.

67 (e) If no spouse or no dependent child or children under eighteen  
68 years of age survive such [policeman] police officer or [fireman]  
69 firefighter, and such [policeman] police officer or [fireman] firefighter  
70 is survived by a dependent father or mother, they shall receive, in a  
71 manner determined by the Retirement Commission, a monthly sum  
72 from the fund equal to that [herein] provided by this section to be  
73 received by a spouse without dependent children, provided, no child  
74 or children shall be entitled to receive double benefits by reason of the  
75 death of both parents and such child or children shall receive the  
76 highest benefit payable by reason of the death of either parent.

77 (f) If no spouse or no dependent child or children under eighteen  
78 years of age and no dependent father or mother survive such  
79 [policeman] police officer or [fireman] firefighter, and such  
80 [policeman] police officer or [fireman] firefighter is survived by a  
81 beneficiary designated by such [policeman] police officer or [fireman]  
82 firefighter prior to death on a form prescribed by the Retirement  
83 Commission, such beneficiary shall receive an amount equal to the  
84 deceased's contributions under section 7-323c without interest.

85 (g) If no named beneficiaries survive such [policeman] police officer

86 or [fireman] firefighter the [aforesaid] contributions payable under this  
87 section, without interest, shall be paid to the executor or administrator  
88 of such deceased [policeman] police officer or [fireman] firefighter, or,  
89 at the option of the Retirement Commission, in accordance with the  
90 terms of section 45a-273.

**LAB**      *JOINT FAVORABLE SUBST.*