

SENATE FILE NO. SF0097

Law enforcement retirement-scope of duties.

Sponsored by: Senator(s) Meier, Fecht and Job and
Representative(s) Landon, McOmie and Slater

A BILL

for

1 AN ACT relating to administration of the government;
2 providing for law enforcement retirement benefits as
3 specified; providing definitions; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-3-402(a) by creating a new
9 paragraph (xxvi), 9-3-432(h), 9-3-602(a) by creating a new
10 paragraph (xviii) and 9-3-611(d) are amended to read:

11

12 **9-3-402. Definitions.**

13

14 (a) As used in this article:

15

1 (xxvi) "Duty connected" means an illness, injury
2 or disability from an injury or disease which results
3 solely from a specific act or occurrence determinable by a
4 definite time and place and solely from an extremely
5 dangerous risk of severe physical or mental trauma or
6 disease which is not common to the public at large and
7 which is peculiar to and inherent in a dangerous duty which
8 arises from the nature and in the course of a person's law
9 enforcement employment.

10
11 **9-3-432. Law enforcement officers; contributions;**
12 **benefit eligibility; service and disability benefits; death**
13 **benefits; benefit options.**

14
15 (h) Notwithstanding W.S. 9-3-422, any law enforcement
16 officer in service for which contributions have been paid
17 because of a duty connected illness or injury, ~~in the scope~~
18 ~~of employment,~~ or except as otherwise provided under this
19 subsection, any law enforcement officer with ten (10) years
20 of service credit under this article because of a nonduty
21 connected illness or injury, ~~outside of the scope of~~
22 ~~employment,~~ may retire on account of a total or partial
23 disability in accordance with rules and regulations adopted
24 by the board. Any law enforcement officer previously

1 covered under W.S. 15-5-301 through 15-5-314 and
2 transferred under this article may because of a nonduty
3 connected illness or injury ~~outside the scope of employment~~
4 and regardless of the number of years of service credit
5 under this article, retire on account of total or partial
6 disability. The board shall determine mental or physical
7 incapacitation for disability retirement under this section
8 in accordance with W.S. 9-3-422(a) and rules and regulation
9 of the board, and the cost of any required examination or
10 test shall be paid as provided by W.S. 9-3-422 and rule and
11 regulation of the board. Any law enforcement officer
12 receiving a nonduty-connected disability benefit under this
13 section is subject to reporting, evaluation and excess
14 earnings deduction requirements imposed under W.S. 9-3-423
15 and rule and regulation of the board. Upon retirement for a
16 disability as determined and for which a member qualifies
17 under this section, a law enforcement officer shall for the
18 life of the officer or until the officer is no longer
19 disabled, receive:

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21 (i) For a partial or total duty connected
22 disability incurred, ~~in the scope of employment,~~ a monthly
23 retirement benefit for the period of qualified disability

1 equal to sixty-two and one-half percent (62.5%) of his
2 salary at the time the disability was incurred;

3
4 (ii) For a partial or total nonduty connected
5 disability incurred, ~~outside of the scope of employment,~~ a
6 monthly retirement benefit for the period of qualified
7 disability equal to fifty percent (50%) of his salary at
8 the time the disability was incurred.

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10 **9-3-602. Definitions.**

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12 (a) As used in this article:

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14 (xviii) "Duty connected disability" means a
15 disability from an illness, injury or disease which results
16 solely from a specific act or occurrence determinable by a
17 definite time and place and solely from an extremely
18 dangerous risk of severe physical or mental trauma or
19 disease which is not common to the public at large and
20 which is peculiar to and inherent in a dangerous duty which
21 arises from the nature and in the course of a person's law
22 enforcement employment.

