

AMENDED IN SENATE MAY 3, 2001
AMENDED IN SENATE APRIL 18, 2001

SENATE BILL

No. 730

Introduced by ~~Senator~~ *Senators O'Connell and Battin*

February 23, 2001

An act to amend Section 4709 of the Labor Code, relating to workers' compensation benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as amended, O'Connell. Workers' compensation: death benefits.

Existing law provides for the payment of a state scholarship to dependents of specified peace officers, correctional officers or employees, and firefighters if the peace officer, correctional officer or employee, or firefighter is killed in the performance of his or her duty or if death or permanent disability is suffered by the peace officer, correctional officer or employee, or firefighter as a result of specified accidents or injuries incurred in the performance of his or her duty. Eligibility for the state scholarship is limited to dependents who demonstrate financial need to the Student Aid Commission.

This bill would ~~provide an additional \$10,000 in scholarship money per year for 4 years to each eligible dependent of specified peace officers killed in the performance of duty and would delete the eligibility limitation for the scholarship that requires demonstration of financial need to the Student Aid Commission for those dependents~~ *prohibit proceeds of death benefits received by a dependent from being included when determining financial need for eligibility for the scholarship.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 4709 of the Labor Code is amended to~~
2 *SECTION 1. Section 4709 of the Labor Code is amended to*
3 *read:*

4 4709. (a) Notwithstanding any other provisions of law, a
5 dependent of a peace officer, as defined in Section 830.1, 830.2,
6 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,
7 830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is
8 killed in the performance of duty or who dies or is totally disabled
9 as a result of an accident or an injury caused by external violence
10 or physical force, incurred in the performance of duty, when the
11 death, accident, or injury is compensable under this division or
12 Division 4.5 (commencing with Section 6100) shall be entitled to
13 a scholarship at any institution described in subdivision ~~(k)~~ (l) of
14 Section 69535 of the Education Code. The scholarship shall be in
15 an amount equal to the amount provided a student who has been
16 awarded a Cal Grant scholarship as specified in Article 3
17 (commencing with Section 69530) of Chapter 2 of Part 42 of the
18 Education Code. Eligibility for a scholarship under this section
19 shall be limited to a person who demonstrates financial need as
20 determined by the Student Aid Commission pursuant to Article 1.5
21 (commencing with Section 69503) of Chapter 2 of Part 42 of the
22 Education Code.

23 (b) A dependent of an officer or employee of the Department
24 of Corrections or the Department of the Youth Authority described
25 in Section 20017.77 of the Government Code who is killed in the
26 performance of duty, or who dies or is totally disabled as a result
27 of an accident or an injury incurred in the performance of duty,
28 when the death, accident, or injury is caused by the direct action
29 of an inmate, and is compensable under this division or Division
30 4.5 (commencing with Section 6100), shall also be entitled to a
31 scholarship specified in this section.

32 (c) Notwithstanding any other provisions of law, a dependent
33 of a firefighter employed by a county, city, city and county, district,
34 or other political subdivision of the state, who is killed in the
35 performance of duty or who dies or is totally disabled as a result



1 of an accident or injury incurred in the performance of duty, when
2 the death, accident, or injury is compensable under this division or
3 Division 4.5 (commencing with Section 6100), shall also be
4 entitled to a scholarship specified in this section.

5 (d) Nothing in this section shall be interpreted to allow the
6 admittance of the dependent into a college or university unless the
7 dependent is otherwise qualified to gain admittance to the college
8 or university.

9 (e) The scholarship provided for by this section shall be paid
10 out of funds annually appropriated in the Budget Act to the Student
11 Aid Commission established by Article 2 (commencing with
12 Section 69510) of Chapter 2 of Part 42 of the Education Code.

13 (f) The receipt of a scholarship provided for by this section
14 shall not preclude a dependent from receiving a Cal Grant award
15 pursuant to Article 3 (commencing with Section 69530) of
16 Chapter 2 of Part 42 of the Education Code, any other grant, or any
17 fee waivers that may be provided by an institution of higher
18 education. The receipt of a Cal Grant award pursuant to Article 3
19 (commencing with Section 69530) of Chapter 2 of Part 42 of the
20 Education Code, any other grant, or any fee waivers that may be
21 provided by an institution of higher education shall not preclude
22 a dependent from receiving a scholarship provided for by this
23 section.

24 (g) The amendments made to this section during the 1995
25 portion of the 1995–96 Regular Session shall apply to a student
26 receiving a scholarship on the effective date of the amendments
27 unless that application would result in the student receiving a
28 scholarship on less favorable terms or in a lesser amount, in which
29 case the student shall continue to receive the scholarship on the
30 same terms and conditions in effect prior to the effective date of
31 the amendments.

32 (h) As used in this section, “dependent” means the children
33 (natural or adopted) or spouse, at the time of the death or injury,
34 of the peace officer, law enforcement officer, or firefighter.

35 (i) *For purposes of determining financial need under*
36 *subdivision (a), the proceeds of death benefits received by the*
37 *dependent shall not be included.*

38 ~~read:~~

39 ~~4709. (a) Notwithstanding any other provisions of law, a~~
40 ~~dependent of a peace officer, as defined in Section 830.1, 830.2,~~



1 ~~830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37,~~
2 ~~830.38, 830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is~~
3 ~~killed in the performance of duty shall be entitled to a scholarship~~
4 ~~at any institution described in subdivision (k) of Section 69535 of~~
5 ~~the Education Code. The scholarship shall be in an amount equal~~
6 ~~to the amount provided a student who has been awarded a Cal~~
7 ~~Grant scholarship as specified in Article 3 (commencing with~~
8 ~~Section 69535) of Chapter 2 of Part 42 of the Education Code, plus~~
9 ~~an additional ten thousand dollars (\$10,000) annually for four~~
10 ~~years.~~

11 ~~(b) Notwithstanding any other provisions of law, a dependent~~
12 ~~of a peace officer, as defined in Section 830.1, 830.2, 830.3,~~
13 ~~830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.38,~~
14 ~~830.39, 830.4, 830.5, or 830.6 of the Penal Code, who is totally~~
15 ~~disabled as a result of an accident or an injury caused by external~~
16 ~~violence or physical force, incurred in the performance of duty,~~
17 ~~when the accident or injury is compensable under this division or~~
18 ~~Division 4.5 (commencing with Section 6100) shall be entitled to~~
19 ~~a scholarship at any institution described in subdivision (k) of~~
20 ~~Section 69535 of the Education Code. The scholarship shall be in~~
21 ~~an amount equal to the amount provided a student who has been~~
22 ~~awarded a Cal Grant scholarship as specified in Article 3~~
23 ~~(commencing with Section 69530) of Chapter 2 of Part 42 of the~~
24 ~~Education Code.~~

25 ~~(c) A dependent of an officer or employee of the Department~~
26 ~~of Corrections or the Department of the Youth Authority described~~
27 ~~in Section 20017.77 of the Government Code who is killed in the~~
28 ~~performance of duty, or who dies or is totally disabled as a result~~
29 ~~of an accident or an injury incurred in the performance of duty,~~
30 ~~when the death, accident, or injury is caused by the direct action~~
31 ~~of an inmate, and is compensable under this division or Division~~
32 ~~4.5 (commencing with Section 6100), shall also be entitled to a~~
33 ~~scholarship specified in this section.~~

34 ~~(d) Notwithstanding any other provisions of law, a dependent~~
35 ~~of a firefighter employed by a county, city, city and county, district,~~
36 ~~or other political subdivision of the state, who is killed in the~~
37 ~~performance of duty or who dies or is totally disabled as a result~~
38 ~~of an accident or injury incurred in the performance of duty, when~~
39 ~~the death, accident, or injury is compensable under this division or~~



1 ~~Division 4.5 (commencing with Section 6100), shall also be~~
2 ~~entitled to a scholarship specified in this section.~~

3 ~~(e) Eligibility for a scholarship under subdivision (b), (c), or (d)~~
4 ~~shall be limited to a person who demonstrates financial need as~~
5 ~~determined by the Student Aid Commission pursuant to Article 1.5~~
6 ~~(commencing with Section 69503) of Chapter 2 of Part 42 of the~~
7 ~~Education Code.~~

8 ~~(f) Nothing in this section shall be interpreted to allow the~~
9 ~~admittance of the dependent into a college or university unless the~~
10 ~~dependent is otherwise qualified to gain admittance to the college~~
11 ~~or university.~~

12 ~~(g) The scholarship provided for by this section shall be paid~~
13 ~~out of funds annually appropriated in the Budget Act to the Student~~
14 ~~Aid Commission established by Article 2 (commencing with~~
15 ~~Section 69510) of Chapter 2 of Part 42 of the Education Code.~~

16 ~~(h) The receipt of a scholarship provided for by this section~~
17 ~~shall not preclude a dependent from receiving a Cal Grant award~~
18 ~~pursuant to Article 3 (commencing with Section 69530) of~~
19 ~~Chapter 2 of Part 42 of the Education Code, any other grant, or any~~
20 ~~fee waivers that may be provided by an institution of higher~~
21 ~~education. The receipt of a Cal Grant award pursuant to Article 3~~
22 ~~(commencing with Section 69530) of Chapter 2 of Part 42 of the~~
23 ~~Education Code, any other grant, or any fee waivers that may be~~
24 ~~provided by an institution of higher education shall not preclude~~
25 ~~a dependent from receiving a scholarship provided for by this~~
26 ~~section.~~

27 ~~(i) The amendments made to this section during the 1995~~
28 ~~portion of the 1995-96 Regular Session shall apply to a student~~
29 ~~receiving a scholarship on the effective date of the amendments~~
30 ~~unless that application would result in the student receiving a~~
31 ~~scholarship on less favorable terms or in a lesser amount, in which~~
32 ~~case the student shall continue to receive the scholarship on the~~
33 ~~same terms and conditions in effect prior to the effective date of~~
34 ~~the amendments.~~

35 ~~(j) As used in this section, "dependent" means the children~~
36 ~~(natural or adopted) or spouse, at the time of the death or injury,~~
37 ~~of the peace officer, law enforcement officer, or firefighter.~~

