

## Assembly Bill No. 1840

### CHAPTER 92

An act to amend Section 4702 of the Labor Code, relating to workers' compensation.

[Approved by Governor July 5, 2004. Filed with  
Secretary of State July 6, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1840, Frommer. Workers' compensation: death benefits: police officers.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law also provides for the payment of death benefits in the amount of \$250,000 to the estate of a deceased employee who has no total dependents and no partial dependents for injuries occurring on or after January 1, 2004.

This bill would provide for the payment of death benefits in the amount of \$250,000 to the estate of a deceased police officer who has no total dependents and no partial dependents for injuries occurring on or after January 1, 2003, but prior to January 1, 2004. It would also declare that it is the intent of the Legislature that this provision have retroactive effect.

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

SECTION 1. Section 4702 of the Labor Code is amended to read:  
4702. (a) Except as otherwise provided in this section and Sections 4553, 4554, 4557, and 4558, the death benefit in cases of total dependency shall be as follows:

(1) In the case of two total dependents and regardless of the number of partial dependents, for injuries occurring before January 1, 1991, ninety-five thousand dollars (\$95,000), for injuries occurring on or after January 1, 1991, one hundred fifteen thousand dollars (\$115,000), for injuries occurring on or after July 1, 1994, one hundred thirty-five thousand dollars (\$135,000), for injuries occurring on or after July 1, 1996, one hundred forty-five thousand dollars (\$145,000), and for injuries occurring on or after January 1, 2006, two hundred ninety thousand dollars (\$290,000).



(2) In the case of one total dependent and one or more partial dependents, for injuries occurring before January 1, 1991, seventy thousand dollars (\$70,000), for injuries occurring on or after January 1, 1991, ninety-five thousand dollars (\$95,000), for injuries occurring on or after July 1, 1994, one hundred fifteen thousand dollars (\$115,000), for injuries occurring on or after July 1, 1996, one hundred twenty-five thousand dollars (\$125,000), and for injuries occurring on or after January 1, 2006, two hundred fifty thousand dollars (\$250,000), plus four times the amount annually devoted to the support of the partial dependents, but not more than the following: for injuries occurring before January 1, 1991, a total of ninety-five thousand dollars (\$95,000), for injuries occurring on or after January 1, 1991, one hundred fifteen thousand dollars (\$115,000), for injuries occurring on or after July 1, 1994, one hundred twenty-five thousand dollars (\$125,000), for injuries occurring on or after July 1, 1996, one hundred forty-five thousand dollars (\$145,000), and for injuries occurring on or after January 1, 2006, two hundred ninety thousand dollars (\$290,000).

(3) In the case of one total dependent and no partial dependents, for injuries occurring before January 1, 1991, seventy thousand dollars (\$70,000), for injuries occurring on or after January 1, 1991, ninety-five thousand dollars (\$95,000), for injuries occurring on or after July 1, 1994, one hundred fifteen thousand dollars (\$115,000), for injuries occurring on or after July 1, 1996, one hundred twenty-five thousand dollars (\$125,000), and for injuries occurring on or after January 1, 2006, two hundred fifty thousand dollars (\$250,000).

(4) (A) In the case of no total dependents and one or more partial dependents, for injuries occurring before January 1, 1991, four times the amount annually devoted to the support of the partial dependents, but not more than seventy thousand dollars (\$70,000), for injuries occurring on or after January 1, 1991, a total of ninety-five thousand dollars (\$95,000), for injuries occurring on or after July 1, 1994, one hundred fifteen thousand dollars (\$115,000), and for injuries occurring on or after July 1, 1996, but before January 1, 2006, one hundred twenty-five thousand dollars (\$125,000).

(B) In the case of no total dependents and one or more partial dependents, eight times the amount annually devoted to the support of the partial dependents, for injuries occurring on or after January 1, 2006, but not more than two hundred fifty thousand dollars (\$250,000).

(5) In the case of three or more total dependents and regardless of the number of partial dependents, one hundred fifty thousand dollars (\$150,000), for injuries occurring on or after July 1, 1994, one hundred sixty thousand dollars (\$160,000), for injuries occurring on or after July



1, 1996, and three hundred twenty thousand dollars (\$320,000), for injuries occurring on or after January 1, 2006.

(6) (A) In the case of a police officer who has no total dependents and no partial dependents, for injuries occurring on or after January 1, 2003, and prior to January 1, 2004, two hundred fifty thousand dollars (\$250,000) to the estate of the deceased police officer.

(B) For injuries occurring on or after January 1, 2004, in the case of no total dependents and no partial dependents, two hundred fifty thousand dollars (\$250,000) to the estate of the deceased employee.

(b) A death benefit in all cases shall be paid in installments in the same manner and amounts as temporary total disability indemnity would have to be made to the employee, unless the appeals board otherwise orders. However, no payment shall be made at a weekly rate of less than two hundred twenty-four dollars (\$224).

(c) Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the injury resulting in death occurs after September 30, 1949.

(d) All rights under this section existing prior to January 1, 1990, shall be continued in force.

SEC. 2. It is the intent of the Legislature that the amendment to Section 4702 of the Labor Code made by this act shall have retroactive effect.

