

AMENDED IN ASSEMBLY MARCH 18, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1840

Introduced by Assembly Member Frommer
(Principal coauthor: Senator Scott)
(*Coauthor: Assembly Member Richman*)

January 22, 2004

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1840, as amended, 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.

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

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

1 SECTION 1. Section 4702 of the Labor Code is amended to
2 read:

3 4702. (a) Except as otherwise provided in this section and
4 Sections 4553, 4554, 4557, and 4558, the death benefit in cases of
5 total dependency shall be as follows:

6 (1) In the case of two total dependents and regardless of the
7 number of partial dependents, for injuries occurring before
8 January 1, 1991, ninety-five thousand dollars (\$95,000), for
9 injuries occurring on or after January 1, 1991, one hundred fifteen
10 thousand dollars (\$115,000), for injuries occurring on or after July
11 1, 1994, one hundred thirty-five thousand dollars (\$135,000), for
12 injuries occurring on or after July 1, 1996, one hundred forty-five
13 thousand dollars (\$145,000), and for injuries occurring on or after
14 January 1, 2006, two hundred ninety thousand dollars (\$290,000).

15 (2) In the case of one total dependent and one or more partial
16 dependents, for injuries occurring before January 1, 1991, seventy
17 thousand dollars (\$70,000), for injuries occurring on or after
18 January 1, 1991, ninety-five thousand dollars (\$95,000), for
19 injuries occurring on or after July 1, 1994, one hundred fifteen
20 thousand dollars (\$115,000), for injuries occurring on or after July
21 1, 1996, one hundred twenty-five thousand dollars (\$125,000),
22 and for injuries occurring on or after January 1, 2006, two hundred
23 fifty thousand dollars (\$250,000), plus four times the amount
24 annually devoted to the support of the partial dependents, but not
25 more than the following: for injuries occurring before January 1,
26 1991, a total of ninety-five thousand dollars (\$95,000), for injuries
27 occurring on or after January 1, 1991, one hundred fifteen
28 thousand dollars (\$115,000), for injuries occurring on or after July
29 1, 1994, one hundred twenty-five thousand dollars (\$125,000), for
30 injuries occurring on or after July 1, 1996, one hundred forty-five
31 thousand dollars (\$145,000), and for injuries occurring on or after
32 January 1, 2006, two hundred ninety thousand dollars (\$290,000).

33 (3) In the case of one total dependent and no partial dependents,
34 for injuries occurring before January 1, 1991, seventy thousand
35 dollars (\$70,000), for injuries occurring on or after January 1,
36 1991, ninety-five thousand dollars (\$95,000), for injuries
37 occurring on or after July 1, 1994, one hundred fifteen thousand
38 dollars (\$115,000), for injuries occurring on or after July 1, 1996,



1 one hundred twenty-five thousand dollars (\$125,000), and for
2 injuries occurring on or after January 1, 2006, two hundred fifty
3 thousand dollars (\$250,000).

4 (4) (A) In the case of no total dependents and one or more
5 partial dependents, for injuries occurring before January 1, 1991,
6 four times the amount annually devoted to the support of the partial
7 dependents, but not more than seventy thousand dollars (\$70,000),
8 for injuries occurring on or after January 1, 1991, a total of
9 ninety-five thousand dollars (\$95,000), for injuries occurring on
10 or after July 1, 1994, one hundred fifteen thousand dollars
11 (\$115,000), and for injuries occurring on or after July 1, 1996, but
12 before January 1, 2006, one hundred twenty-five thousand dollars
13 (\$125,000).

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

19 (5) In the case of three or more total dependents and regardless
20 of the number of partial dependents, one hundred fifty thousand
21 dollars (\$150,000), for injuries occurring on or after July 1, 1994,
22 one hundred sixty thousand dollars (\$160,000), for injuries
23 occurring on or after July 1, 1996, and three hundred twenty
24 thousand dollars (\$320,000), for injuries occurring on or after
25 January 1, 2006.

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

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

35 (b) ~~The~~ A death benefit in all cases shall be paid in installments
36 in the same manner and amounts as temporary total disability
37 indemnity would have to be made to the employee, unless the
38 appeals board otherwise orders. However, no payment shall be
39 made at a weekly rate of less than two hundred twenty-four dollars
40 (\$224).



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

4 (d) All rights under this section existing prior to January 1,
5 1990, shall be continued in force.

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

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