

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 570

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY ACT; AMENDING SECTION 72-1104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO COMPENSATION AND COSTS; AND PROVIDING A SUNSET DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1104, Idaho Code, be, and the same is hereby amended to read as follows:

72-1104. COMPENSATION AND COSTS. On and after July 1, 2008, and subject to available funds in the peace officer and detention officer temporary disability fund established in section 72-1105, Idaho Code:

(1) Any peace officer or detention officer employed by the state of Idaho or any city or county thereof who is injured in the performance of his or her duties:

(a) ~~When~~ responding to an emergency ~~and~~ or

(b) ~~When~~ in the pursuit of an actual or suspected violator of the law; or

(c) When the injury is caused by the actions of another person, and by reason thereof is temporarily incapacitated from performing his or her duties and qualifies for worker's compensation wage loss benefits under title 72, Idaho Code, shall be paid his or her full rate of base salary, as fixed by the state or by applicable ordinance or resolution, until the temporary disability arising from such injury has ceased. The employer shall withhold, collect and pay income tax on the salary paid to the employee as required by chapter 30, title 63, Idaho Code. Determinations and any disputes regarding entitlement to benefits under this chapter shall be decided by the industrial commission in accordance with the provisions of title 72, Idaho Code, and commission rules.

(2) During the period for which the salary for temporary incapacity shall be paid by the employer, any worker's compensation received or collected by the employee shall be remitted to the state or to the respective city or county, as applicable, and paid into the treasury thereof. In addition, the employer shall be reimbursed for any remaining amount of salary not covered by such worker's compensation by application to the peace officer and detention officer temporary disability fund, as established in section 72-1105, Idaho Code, pursuant to rules adopted by the industrial commission; provided however, that any such reimbursement from the fund shall continue only during such period as the employee qualifies for worker's compensation wage loss benefits under title 72, Idaho Code.

SECTION 2. The provisions of Section 72-1104(1)(c) of this act shall be null, void and of no force and effect on and after July 1, 2015.