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PEACE OFFICERS KILLED IN THE LINE OF DUTY 352E.03

CHAPTER 352E

PEACE OFFICERS KILLED IN THE LINE OF DUTY

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352E.01 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 352E.01 to 352E.05, the terms defined in this section have the meanings here given them.

Subd. 2. **Peace officer.** "Peace officer" means:

(a) A police officer employed by the state of Minnesota or any governmental subdivision within the state to enforce the criminal laws;

(b) A Minnesota highway patrol officer;

(c) A sheriff or fulltime deputy sheriff with power of arrest by warrant;

(d) A state conservation officer as defined in section 84.028, subdivision 3;

(e) A person employed by the bureau of criminal apprehension as a police officer with power of arrest by warrant;

(f) A correction officer employed at any correctional institution and charged with maintaining the safety, security, discipline and custody of inmates at such institutions;

(g) A firefighter, for the purposes of sections 352E.01 to 352E.05, is a person employed on a fulltime basis by a fire department of any governmental subdivision of the state who is engaged in the hazards of fire fighting or a regularly enrolled member of a volunteer fire department who is engaged in the hazards of fire fighting;

(h) A good samaritan, for the purposes of sections 352E.01 to 352E.05, is a person who complies with the request or direction of a peace officer to assist the officer; and

(i) A reserve police officer or a reserve deputy sheriff acting under the supervision and authority of a political subdivision.

Subd. 3. **Spouse.** "Spouse" includes a person legally married to the decedent at the time of death.

Subd. 4. **Dependent child.** A "dependent child" is one who is unmarried and who was either living with or was receiving support contributions from the peace officer at the time of death, including a stepchild, an adopted child, or a posthumous child, and who is

(a) under 18 years of age;

(b) over 18 years of age and incapable of self-support because of physical or mental disability; or

(c) over 18 years of age and a student as defined by section 8101 of Title 5, United States Code.

[1973 c 248 s 1; 1974 c 255 s 1; 1977 c 429 s 63]

352E.02 PEACE OFFICERS BENEFIT FUND. There is hereby created in the state treasury an account to be known as peace officers benefit fund. Funds in the peace officers benefit fund shall consist of moneys appropriated to that fund.

[1973 c 248 s 2; 1977 c 403 s 10]

352E.03 WORKERS' COMPENSATION COURT OF APPEALS. Eligibility to receive benefits as herein provided shall be determined by the workers' compensation court of appeals in the manner provided by chapter 176. A decision of the workers' compensation court of appeals hereunder may be reviewed by the Minnesota supreme court in the same manner and subject to the same procedures governing all other appeals from the decisions of the workers' compensation court of appeals.

[1973 c 248 s 3; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78]

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352E.04 DISBURSEMENTS. Upon certification to the governor by the administrator of any state or governmental subdivision employing peace officers that a peace officer employed by that state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workers' compensation court of appeals, pay \$50,000 as follows:

- (a) If there is no dependent child, to the spouse;
- (b) If there is no spouse, to the dependent child or children in equal shares;
- (c) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (d) If there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;
- (e) If there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit fund. For the purpose of sections 352E.01 to 352E.05, killed in the line of duty shall not include any peace officer who dies as a result of a heart attack.

[1973 c 248 s 4; 1975 c 128 s 1; 1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78]

352E.045 ATTORNEY'S FEES FOR CLAIMING BENEFITS. No fee for legal services which is claimed for the work of an attorney relating to a claim made pursuant to the provisions of sections 352E.01 to 352E.05 is binding unless the amount of the fee charged is determined and approved in writing by the workers' compensation court of appeals.

[1975 c 271 s 6; 1975 c 359 s 23; 1976 c 134 s 78; 1976 c 277 s 1]

352E.05 [Repealed, 1977 c 403 s 13]