

2020 Regular Session

SENATE BILL NO. 517 (Substitute of Senate Bill No. 388 by Senator Fields)

BY SENATORS FIELDS, ABRAHAM, ALLAIN, BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE AND WOMACK

WORKERS' COMPENSATION. Provides for continuation of the weekly death benefit for the surviving spouse of a law enforcement officer upon remarriage. (8/1/20)

AN ACT

To amend and reenact R.S. 23:1233, relative to law enforcement officers; to provide relative to workers' compensation weekly death benefit of the surviving spouse; to allow continuation of benefits upon remarriage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1233 is hereby amended and reenacted to read as follows:

§1233. Death or marriage of dependent; age limit of minor dependent

A.(1) Weekly payments to a surviving spouse shall continue until the death or remarriage of ~~such~~ the surviving spouse. In the case of remarriage of a surviving spouse, two years compensation payments shall be payable in one lump sum.

(2) Notwithstanding Paragraph (1) of this Subsection, in any case in which the decedent was employed as a law enforcement officer as defined in R.S. 40:1665.2(B), the weekly payment to the surviving spouse shall continue until the death of the surviving spouse.

B. Weekly payments to a surviving child, physically or mentally incapacitated from earning, shall continue as long as such incapacity exists.

C. Weekly payments to a minor dependent child, who is not mentally or

1 physically incapable of wage earning, shall terminate when he dies, marries, reaches
2 the age of eighteen years, or, if enrolled and attending as a full-time student in any
3 accredited educational institution, until he ceases to be so enrolled and attending or
4 reaches the age of twenty-three years.

5 D. Weekly payments for all other dependents as determined in Subpart D of
6 this Part ~~of the Chapter~~ shall continue as long as their dependency shall exist or
7 shall terminate upon their deaths.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 517 Reengrossed

2020 Regular Session

Fields

Present law regarding workers' compensation, provides weekly death benefits to a surviving spouse who was actually living with the decedent at the time of injury or death or was dependent on the decedent for support.

Present law provides that the workers' compensation weekly death benefit payments continue until death or remarriage of the surviving spouse.

Proposed law provides an exception for the surviving spouse of a law enforcement officer to allow workers' compensation weekly death benefits to continue after remarriage.

Effective August 1, 2020.

(Amends R.S. 23:1233)