

By: Metcalf, Plesa, et al.

H.B. No. 4534

A BILL TO BE ENTITLED

AN ACT

relating to certain death benefits for certain public safety officers under public retirement systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 810, Government Code, is amended by adding Section 810.007 to read as follows:

Sec. 810.007. LUMP-SUM DEATH BENEFIT FOR PUBLIC SAFETY OFFICERS. (a) In this section:

(1) "Firefighter" means a full-time paid employee of a fire department who performs one or more of the duties described by Section 143.003(4)(A), Local Government Code.

(2) "Governing body of a public retirement system" and "public retirement system" have the meanings assigned by Section 802.001.

(3) "Peace officer" has the meaning assigned by Section 1701.001, Occupations Code.

(4) "Public safety officer" means a peace officer or firefighter.

(b) Notwithstanding any other law, the governing body of a public retirement system by rule may provide a death benefit in the event of the death of an active member of the system who is a public safety officer and who dies as the direct and proximate result of a personal injury associated with a single event and sustained in the performance of a member's employment duties as a public safety

1 officer.

2 (c) The death benefit under Subsection (b) is payable in a  
3 lump sum not to exceed \$1,000,000 to the member's surviving spouse,  
4 or if the member has no surviving spouse, to the member's surviving  
5 children. If the member has no surviving spouse or surviving  
6 children at the time of the member's death, the benefit is payable  
7 to the member's estate. If a member has more than one surviving  
8 child who is entitled to the benefit, the benefit must be split  
9 equally between each of the member's surviving children.

10 (d) The rule adopted under Subsection (b) must:

11 (1) require the governing body of a public retirement  
12 system to ensure, after consulting with the system's actuary, that  
13 payment of the death benefit would not threaten the actuarial  
14 soundness of the system; and

15 (2) prohibit the system from paying the benefit if  
16 paying the benefit would threaten the actuarial soundness of the  
17 system.

18 (e) If the public retirement system does not employ an  
19 actuary, the system may contract with an actuary for purposes of  
20 Subsection (d).

21 (f) If the governing body of a public retirement system  
22 adopts a death benefit under Subsection (b), the governing body  
23 shall revise the system's plan documents as necessary to ensure  
24 that the system's benefit plan remains a qualified plan under  
25 Section 401(a), Internal Revenue Code of 1986.

26 SECTION 2. Section 810.007, Government Code, as added by  
27 this Act, applies only to a death occurring on or after the

1 effective date of this Act.

2         SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2025.