



SPONSOR: Sen. Pettyjohn & Sen. Poore & Rep. Briggs King
Sens. Hocker, Richardson; Reps. Mitchell, Schwartzkopf,
Smyk, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 202

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATNG TO WORKERS' COMPENSATION
BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2330, Title 19 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 2330. Compensation for death.

(b) The wages upon which death compensation shall be based shall not in any case be taken to exceed the average weekly wage per week as announced by the Secretary of the Department of Labor for the last calendar year for which a determination of the average weekly wage has been made. However, the minimum amount payable to a surviving spouse entitled to compensation shall not be less than 22 2/9% of the said average weekly wage per week. Subject to § 2332 of this title, this compensation shall be paid during 400 weeks and in case of children entitled to compensation under this section, the compensation of each child shall continue after such period of 400 weeks until such child reaches the age of 18 years, or if enrolled as a full-time student in an accredited educational institution, until such child ceases to be so enrolled or reaches the age of 25 years, and in the case of a surviving spouse entitled to compensation under this section the compensation shall continue after such period of 400 weeks until the surviving spouse dies or remarries, unless otherwise authorized under subsection (h) of this section. Children are not entitled to compensation during the period that compensation is payable to their parent, except as provided in this section; provided, however, that the compensation for any child shall not be less than \$10 per week unless the total maximum benefits are being paid.

(g) Should any dependent of a deceased employee die, or should the surviving spouse remarry, the right of such dependent or such surviving spouse to compensation under this section shall cease, unless otherwise authorized under subsection (h) of this section. However, 2 years' indemnity benefits in 1 lump sum shall be payable to a surviving spouse upon remarriage.

(h) If a surviving spouse is entitled to a benefit under this chapter and the surviving spouse is the surviving spouse of a "covered person," as defined in § 6601 of Title 18, that surviving spouse is entitled to the benefit until the surviving spouse dies. If the surviving spouse remarries, the surviving spouse's benefit must be reduced to 90% of the original benefit

- 24 for the first 10 years after the remarrying and must be reduced to 75% of the original benefit thereafter until the death of the
25 surviving spouse.

SYNOPSIS

This Act ensures that the spouses of those killed in the line of duty are able to receive benefits for the remainder of their lives regardless of future marital status. When a surviving spouse remarries, the surviving spouse's benefit is reduced to 90% of the original benefit for the first 10 years after the remarrying and must be reduced to 75% of the original benefit thereafter until the death of the surviving spouse. Spouses of fallen first responders should not be forced to make decisions to carry on with their lives based on financial considerations.

Author: Senator Pettyjohn