

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### Senate Bill 729

FISCAL  
NOTE

BY SENATORS MANN, AZINGER, JEFFRIES, ROMANO,  
WELD, BALDWIN, HARDESTY, STOLLINGS, AND ROBERTS

[Introduced February 7, 2020; referred  
to the Committee on Pensions; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating  
2 to awards and benefits for disability under the Deputy Sheriff Retirement Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14D. DEPUTY SHERIFF RETIREMENT ACT.**

**§7-14D-14. Awards and benefits for disability – Duty related.**

1 (a) Any member who after the effective date of this article and during covered employment:

2 (1) Has been or becomes either totally or partially disabled by injury, illness or disease; and (2)  
3 the disability is a result of an occupational risk or hazard inherent in or peculiar to the services  
4 required of members; or (3) the disability was incurred while performing law-enforcement  
5 functions during either scheduled work hours or at any other time; and (4) in the opinion of the  
6 board, the member is by reason of the disability unable to perform adequately the duties required  
7 of a deputy sheriff, is entitled to receive and shall be paid from the fund in monthly installments  
8 the compensation under either subsection (b) or (c) of this section.

9 (b) If the member is totally disabled, the member shall receive 90 percent of his or her  
10 average full monthly compensation for the 12-month contributory period preceding the member's  
11 disability award, or the shorter period if the member has not worked 12 months. Any member  
12 retired under this subsection on or before July 1, 2020, shall have his or her monthly benefit  
13 payment increased by \$400.

14 (c) If the member is partially disabled, the member shall receive 45 percent of his or her  
15 average full monthly compensation for the 12-month contributory period preceding the member's  
16 disability award, or the shorter period if the member has not worked 12 months.

17 (d) If the member remains partially disabled until attaining 60 years of age, the member  
18 shall then receive the retirement benefit provided in §7-14-11 and §7-24-12 of this code.

19 (e) The disability benefit payments will begin the first day of the month following  
20 termination of employment and receipt of the disability retirement application by the Consolidated  
21 Public Retirement Board.

NOTE: The purpose of this bill is to authorize a benefit payment increase of \$400 to those duty related and totally disabled DSRS plan participants retired on or before July 1, 2020.

Strikethroughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.