

# The Connecticut General Assembly

## Legislative Commissioners' Office

Edwin J. Maley, Jr.  
*Commissioner*  
Leonard A. Fasano  
*Commissioner*

Nicholas F. Bombace  
*Director*



Legislative Office Building  
Suite 5500  
Hartford, Connecticut  
06106-1591  
(860) 240-8410  
fax (860) 240-8414  
e-mail: lco@cga.ct.gov

## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** April 22, 2025

<b>Regulation No:</b>	2025-16
<b>Agency:</b>	Office of the State Comptroller
<b>Subject Matter:</b>	The Fallen Officer Fund
<b>Statutory Authority:</b> (copy attached)	3-122a

	Yes or No
<b>Mandatory</b>	Y
<b>Federal Requirement</b>	N
<b>Permissive</b>	N

### For the Committee's Information:

### Substantive Concerns:

1. The proposed regulation does not include a statement of purpose as required by section 4-170 of the Connecticut General Statutes.
2. On page 1, in section XX-XXX-1(a)(2), the proposed regulation uses the term "qualified employing police department or state agency". The term, however, is undefined and it is unclear which police departments and state agencies are

"qualified" employers for the purposes of the proposed regulation. Additionally, the term may conflict with section 3-122a(a)(5) of the Connecticut General Statutes, which uses the term "employing law enforcement unit". If the office intends to refer to "employing law enforcement unit", the office should replace "qualified employing police department or state agency" with "employing law enforcement unit".

3. On page 1, in section XX-XXX-1(a)(4), the proposed regulation uses the term "qualified employer". The term, however, is undefined and its meaning is unclear. Additionally, the term may conflict with section 3-122a(a)(5) of the Connecticut General Statutes, which uses the term "employing law enforcement unit". If the office intends to refer to "employing law enforcement unit", the office should replace "qualified employer" with "employing law enforcement unit".
4. On page 1, in section XX-XXX-2(a), the proposed regulation refers to "an eligible local police department or . . . the Division of State Police within the Department of Emergency Services and Public Protection". The term "eligible local police department", however, is undefined and it is unclear which local police departments are "eligible" for the purposes of the proposed regulation. Additionally, the term "eligible local police department" may conflict with section 3-122a(a)(3) of the Connecticut General Statutes, which incorporates by reference the definition of "law enforcement unit" in section 7-294a of the Connecticut General Statutes. The statutory definition of "law enforcement unit" encompasses law enforcement units that are not a "local police department or . . . the Division of State Police within the Department of Emergency Services and Public Protection". The scope of the law enforcement units subject to the proposed regulation therefore may be narrower than the scope of the law enforcement units subject to section 3-122a of the Connecticut General Statutes. The meaning of "eligible local police department" should be clarified, and the discrepancy between the proposed regulation and section 3-122a of the Connecticut General Statutes should be resolved.
5. On page 1, section XX-XXX-2(c) of the proposed regulation begins with the phrase "Pursuant to Public Act 24-27 Sec. 1(c)". It appears, however, that the provisions that follow such phrase are unrelated to "Public Act 24-27 Sec. 1(c)" (codified at section 3-122a(c) of the Connecticut General Statutes). Accordingly, the phrase should be deleted or its meaning clarified.
6. On page 1, throughout section XX-XXX-2(c) of the proposed regulation, the term "employing department" is used but not defined. Section 3-122a(a)(5) of the Connecticut General Statutes uses the term "employing law enforcement unit" to refer to a police officer's employer, and it appears that the scope of "employing

department" is narrower than the scope of "employing law enforcement unit". If the office intends to refer to "employing law enforcement unit", the office should replace "employing department" with "employing law enforcement unit".

7. On page 2, in section XX-XXX-2(f)(1) of the proposed regulation, the term "approved members" is undefined and its meaning is unclear. The term should be defined or its meaning clarified.
8. On page 2, in section XX-XXX-2(f)(1) of the proposed regulation, "Payments shall be made in tiers" implies that payments may be made to multiple tiers, while "Payment shall be made only to the first tier containing approved members" implies that payments are limited to a single tier. The conflict should be resolved.
9. On page 2, in section XX-XXX-2(i) of the proposed regulation, the last sentence provides "Such payment shall not be taxable under state law." While section 12-701(a)(20)(B)(xxxv) of the Connecticut General Statutes establishes a related personal income tax deduction, the language of the proposed regulation exceeds the scope of such deduction. The final sentence of the proposed regulation should be deleted or its meaning should be clarified.

### **Technical Corrections:**

1. Throughout the proposed regulation, page numbers should be added, for proper form.
2. On page 1, the introductory language should be rewritten as follows, for accuracy:  
  
**"Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 3-122a-1 and 3-122a-2 as follows:"**
3. On page 1, in section XX-XXX-1, in the catchline, "XX-XXX-1" should be "3-122a-1", for accuracy.
4. On page 1, in section XX-XXX-1(a), "(a) As used in the Regulations of Connecticut State Agencies:" should be "As used in this section and section 3-122a-2 of the Regulations of Connecticut State Agencies:", for accuracy and proper form.
5. On page 1, in section XX-XXX-1(a)(1), "Comptroller CO-607 rev. 08/24 or successor form(s)" should be "Comptroller form CO-607, rev. 08/24, or a successor form", for proper form; and "for family members of officers" should be "for surviving family members of police officers", for consistency.
6. On page 1, in section XX-XXX-1(a)(2), "Comptroller CO-606 rev. 08/24 or successor form(s)" should be "Comptroller form CO-606, rev. 08/24, or a successor

form", for proper form; and "for officers" should be "for police officers", for consistency.

7. On page 1, the order of sections XX-XXX-1(a)(3) and (4) should be transposed, and the subdivision designators of said sections should be adjusted accordingly, for clarity.
8. On page 1, in section XX-XXX-1(a)(3), "section 1(a)(1) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.
9. On page 1, in section XX-XXX-1(a)(4), "CO-606a rev. 08/24 or successor form(s) used by the Office of the State Comptroller" should be "Office of the State Comptroller form CO-606a, rev. 08/24, or a successor form used by said office", for proper form; "an officer" should be "a police officer", for consistency; and "establishing a CO-606" should be "completing a Beneficiary Form", for clarity.
10. On page 1, in section XX-XXX-1(a)(5), "section 1(a)(2) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.
11. On page 1, in section XX-XXX-1(a)(6), "general statutes;" should be "Connecticut General Statutes.", for proper form.
12. On page 1, in section XX-XXX-1(a)(7), ""Surviving Family "" should be ""Surviving family"", and "section 1(a)(5) of Public Act 24-27" should be "subsection (a) of section 3-122a of the Connecticut General Statutes", for proper form.
13. On page 1, in section XX-XXX-2, in the catchline, "**XX-XXX-2**" should be "**3-122a-2**", for accuracy.
14. On page 1, in section XX-XXX-2(a), the first sentence following subsection designator "(a)" should be rewritten as follows, for clarity:  
  

"Each police officer, upon beginning employment with an eligible local police department or the Division of State Police within the Department of Emergency Services and Public Protection, shall file a Beneficiary Form with such department's or said division's human resources department."
15. On page 1, section XX-XXX-2(b) should be rewritten as follows, for consistency:  
  

"(b) The members of the surviving family of a police officer who was killed in the line of duty shall be eligible to receive benefits from the Fallen Officer Fund."
16. On page 1, in section XX-XXX-2(c), throughout the section, the italicized type should be removed, for proper form; and in the first and second lines, "such an individual who is a designated beneficiary or a member" should be "an individual who is a member", for consistency; in the third line, "complete the" should be

"complete a", and "submit to" should be "submit the form to", for clarity; in the eighth line, "with form instructions" should be "with the form's instructions", for clarity.

17. On page 1, in section XX-XXX-2(d), in the first line, "After receiving such form, the Comptroller shall evaluate each application" should be "After receiving the Beneficiary Form or Departmental Review Form, the Comptroller shall evaluate the completed application", for clarity.
18. On page 1, in section XX-XXX-2(d)(1), "the officer" should be "the police officer", for clarity; and "and" should be deleted, for proper form.
19. On page 1, in section XX-XXX-2(d)(2), "and" should be deleted, for proper form.
20. On page 1, in section XX-XXX-2(d)(4), "The determination will" should be "The determination shall", in accordance with the committee's directive regarding mandates; and on page 2, in the sixth line, a comma should be inserted after "applicant", for proper form.
21. On page 2, section XX-XXX-2(e) should be rewritten as follows, for clarity:  
  

"(e) Not later than sixty (60) days after denial of an application, the applicant may appeal such denial by submitting to the Comptroller a written appeal request and any additional or supplemental documentation required by the Comptroller. The Comptroller shall make a final determination, and provide the applicant with a written summary disclosing the final determination, not later than fifteen (15) days after the Comptroller receives such additional or supplemental documentation."
22. On page 2, in section XX-XXX-2(f), in the first line, "lump sum death benefits" should be "a lump sum death benefit", for proper form; and in the second and third lines, "the Fund for such officer to the officer's surviving family, provided the surviving family of a police officer killed in the line of duty shall not" should be "the Fallen Officer Fund to the surviving family of a police officer who was killed in the line of duty, provided the surviving family shall not", for clarity.
23. On page 2, in section XX-XXX-2(f)(1), in the first line, subdivision designator "1." should be deleted, and "Payments" should immediately follow "family members." in the sixth line of section XX-XXX-2(f), for proper form, and "members of that tier" should be "surviving family members of the tier", for clarity; and in the third line, "members" should be "surviving family members", for clarity.
24. On page 2, in section XX-XXX-2(f)(1)(i) to (vi), clause designators "i." to "vi." should be subdivision designators "(1)" to "(6)", for proper form.
25. On page 2, in section XX-XXX-2(f)(1)(i), a space should be inserted before "Spouse", and the period after "children" should be deleted, for proper form.
26. On page 2, in section XX-XXX-2(f)(1)(ii), "Children" should be "child or children", for proper form.

27. On page 2, in section XX-XXX-2(f)(1)(iii), "Beneficiary" should be "beneficiary or beneficiaries", for proper form.
28. On page 2, in section XX-XXX-2(g), "Payments" should be "Payments made pursuant to subsection (f) of this section", for accuracy; and "Fund" should be "Fallen Officer Fund", for clarity.
29. On page 2, in section XX-XXX-2(h), in the first line, "Fund" should be "Fallen Officer Fund" for consistency; in the second line, "available" should be deleted, for clarity; and in the fourth line, a period should be inserted after "order", for proper form.
30. On page 2, in section XX-XXX-2(i), in the first line, "Such payment" should be "Payment made pursuant to subsection (f) of this section", for clarity; and in the first and second lines, "such officer" should be "such surviving family", for clarity.

**Recommendation:**

<p><b>Approval in whole</b> <b>with technical corrections</b> <b>with deletions</b> <b>with substitute pages</b> <b>Disapproval in whole or in part</b> <b>X Rejection without prejudice</b></p>
--

**Reviewed by:** Patrick L. Deegan / Brian F. Valko

**Date:** April 14, 2025

**Sec. 3-122a. Fallen Officer Fund.** (a) For purposes of this section:

(1) "Dependent child" means a child, whether by blood or adoption, of a police officer who (A) is under the age of twenty-two and was dependent on the earnings of such officer at the time of such officer's death, provided a child shall not be considered dependent if such child provides more than half of such child's own support, is married or is legally adopted by another person, or (B) is any age and is physically or mentally incapacitated and was dependent on the earnings of such officer at the time of such officer's death.

(2) "Killed in the line of duty" means the death of a police officer while engaged in the performance of such officer's duties, resulting from an incident, an accident or violence that caused such death or caused injuries that were the direct or proximate cause of such officer's death, including any death that is determined to be occupationally related by a workers' compensation insurance carrier, an employer to whom a certificate of self-insurance has been issued pursuant to section 31-248 or an administrative law judge for workers' compensation purposes under chapter 568. "Killed in the line of duty" does not include the death of a police officer through such officer's own wanton or wilful act.

(3) "Law enforcement unit" has the same meaning as provided in section 7-294a.

(4) "Police officer" has the same meaning as provided in section 7-294a.

(5) "Surviving family" means any person who is a surviving spouse, surviving dependent child, surviving child who is not a dependent child or surviving parent of a police officer killed in the line of duty, or a surviving individual listed on such officer's most recent beneficiary form on file with such officer's employing law enforcement unit.

(b) There is established a fund to be known as the "Fallen Officer Fund". The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. The interest derived from the investment of the fund shall be credited to the fund. Amounts in the fund may be expended by the Comptroller for purposes of payments pursuant to subsection (c) of this section and reimbursement of municipalities pursuant to subdivision (2) of subsection (c) of section 3-123eee. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund for the fiscal year next succeeding.

(c) (1) After receiving notice, in a form and manner as determined by the Comptroller, from an individual who is a member of the surviving family of a police officer who was killed in the line of duty, the Comptroller shall pay, within available appropriations, a lump sum death benefit totaling one hundred thousand dollars from the fund established in subsection (b) of this section to such surviving family, in accordance with regulations adopted pursuant to subsection (e) of this section, provided the surviving family of a police



officer killed in the line of duty shall not receive more than one such lump sum death benefit. Payments shall be made to surviving families in the order in which notices are received until the amount in such fund is depleted.

(2) Any payment made pursuant to subdivision (1) of this subsection shall be in addition to any other benefits for which individuals of such officer's surviving family are eligible and such payments shall not be reduced or offset due to any other benefits, including, but not limited to, workers' compensation or other survivor benefits.

(d) Not later than July 1, 2025, and annually thereafter, the Comptroller shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security. Such report shall include a list of all expenditures made from the fund established by subsection (b) of this section during the prior year, the current balance of such fund and information regarding additional amounts needed for such fund.

(e) The Comptroller shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this section, including, but not limited to, application procedures and criteria for awarding grants among individuals who are members of the surviving family, with priority given to awards that would benefit a dependent child or children and a spouse who is a member of the surviving family. The Comptroller may implement policies and procedures necessary to implement the provisions of this section while in the process of adopting such regulations, provided notice of intent to adopt such regulations is published on the eRegulations System not later than twenty days after the date of implementation of such policies and procedures. Any policies and procedures implemented under this subsection shall be valid until the time such regulations are adopted.