
UNFINISHED BUSINESS

Bill No: SB 447
Author: Umberg (D), et al.
Amended: 6/23/25 in Assembly
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 3/26/25
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,
Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello,
Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas,
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 69-0, 8/28/25 – Roll call not available.

SUBJECT: Workers' compensation: death benefits

SOURCE: Association of Orange County Deputy Sheriffs

DIGEST: This bill increases the age that minor dependents are able to continue to receive health benefits under the workers' compensation death benefits coverage when specified firefighters, peace officers, or Orange County Sheriff's Special Officers die in the line of duty, from 21 years to 26 years of age.

Assembly Amendments of 6/23/2025 added a co-author.

ANALYSIS:

Existing law:

- 1) Establishes a comprehensive system of workers' compensation that provides a range of benefits for an employee who suffers from an injury or illness that arises out of and in the course of employment, regardless of fault. This system requires all employers to insure payment of benefits by either securing the consent of the Department of Industrial Relations to self-insure or by obtaining insurance from a company authorized by the state. (Labor Code §§3200-6002)
- 2) Provides workers' compensation death benefits if an employee dies from a work-related injury or illness. These include payments to a spouse, children, or any other dependent, as specified, as well as reasonable burial expenses, not exceeding \$5,000 for injuries before January 1, 2013 and \$10,000 for injuries on or after January 1, 2013. The amount of the death benefit depends on the number of total and/or partial dependents. (Labor Code §§4700-4709)
- 3) Requires the employer of a local employee who is a specified peace officer, firefighter, or Sheriff's Special Officer of the County of Orange and is killed in the performance of their duty or dies as a result of an accident or injury caused by external violence or physical force incurred in the performance of their duty to continue to provide health benefits to the deceased employee's spouse under the same terms and conditions provided prior to the death, or prior to the accident or injury that caused the death. However, the surviving spouse may elect to receive a lump-sum in lieu of monthly benefits. Minor dependents shall continue to receive benefits under the coverage extended to the surviving spouse or, if there is no surviving spouse, until the age of 21 years. (Labor Code §4856)

This bill increases the age for minor dependents to continue to receive health benefits under the workers' compensation death benefits coverage provided to the surviving spouse or if there is no surviving spouse, when specified firefighters, peace officers, or Orange County Sheriff's Special Officers die in the line of duty, from 21 years to 26 years of age.

Background

Workers' Compensation Death Benefits. If an employee dies from a work-related injury or illness, death benefits are available as payments to a spouse, children, or any other dependent. This includes reasonable burial expenses, not exceeding

\$5,000 for injuries before January 1, 2013 and \$10,000 for injuries on or after January 1, 2013. The amount of the death benefit depends on the number of total and/or partial dependents. In the case of one or more totally dependent minors, after the first payment, death benefits will continue until the youngest minor's 18th birthday. Death benefits are paid at the temporary total disability rate (TTD), but not less than \$224.00 per week. In January 2025, the Division of Workers' Compensation announced that the minimum TTD rate increased from \$242.86 to \$252.03, and the maximum TTD rate increased from \$1,619.15 to \$1,680.29 per week.

Additional Health Benefits for Minor Dependents of Peace Officers and Firefighters. Employers of specified firefighters, peace officers, or Orange County Sheriff's Special Officers that die in the line of duty are also required to continue providing health benefits to the deceased employees' spouse under the same terms and conditions provided prior to the employee's death or prior to the accident or injury that caused the death. The surviving spouse may elect to receive a lump-sum survivor's benefit instead of monthly benefits. Minor dependents also are entitled to continue to receive health benefits under the coverage that is provided to the surviving spouse or if there is no surviving spouse, until the dependent turns 21 years of age. This bill proposes to increase that age to 26.

Raising the Age to 26 for continued Health Benefits. In 2010, the Patient Protection and Affordable Care Act, also known as the Affordable Care Act (ACA) was enacted as a comprehensive health care reform law. Before the ACA, many health plans and issuers could remove adult children from their parents' coverage because of their age, whether or not they were a student or where they lived. The ACA requires plans and issuers that offer dependent child coverage to make the coverage available until the adult child reaches the age of 26. Now, many parents and their children who worried about losing health coverage after they graduated from college no longer have to worry. This rule applies to all plans in the individual market and to all employer plans.

Related/Prior Legislation

AB 1368 (Eduardo Garcia, 2019) would have provided the children and spouses of a firefighter employed by a fire tribal department with educational scholarships and health benefits should they die or become totally disabled in the line of duty. The bill was never set for a hearing in the Assembly Insurance Committee.

AB 2069 (Solorio, Chapter 819, Statutes of 2012) provided the children and spouses of a Sheriff's Special Officer of the County of Orange with educational

scholarships and health benefits should they die or become totally disabled in the line of duty.

SB 563 (Brulte, Chapter 193, Statutes of 1997) required 1) employers to continue providing health benefits to the deceased employee's spouse and minor dependents under the same terms and conditions provided prior to the death, or prior to the accident or injury that caused the death, of the employee, and 2) local employers to continue to provide these health benefits to the spouses and dependents of deceased firefighters or peace officers who died in the line of duty prior to September 30, 1996.

AB 3478 (Aguiar, Chapter 1120, Statutes of 1995) requires local employers to continue to provide health benefits to the spouses and dependents of firefighters and peace officers who died in the line of duty.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- Minor and absorbable costs to the Division of Workers' Compensation (DWC). DWC may face additional litigation regarding entitlement to the health benefit coverage.
- Costs of an unknown, but potentially significant, amount to local public employers of safety officers by requiring a local agency to provide health benefits to an eligible minor for an additional five years. However, such local costs are likely non-reimbursable by the state because requiring a local agency to provide increased employee pay or benefits does not generally constitute a higher level of service to the public under the constitutional definition of a mandate.

SUPPORT: (Verified 8/28/25)

Association of Orange County Deputy Sheriff's (Source)

Arcadia Police Officers' Association

Association for Los Angeles Deputy Sheriffs

Association of Orange County Deputy Sheriffs

Brea Police Association

Burbank Police Officers' Association

California Association of School Police Chiefs

California Coalition of School Safety Professionals

California Fraternal Order of Police

California Narcotic Officers' Association
California Professional Firefighters
California Reserve Peace Officers Association
California Statewide Law Enforcement Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Long Beach Police Officers Association
Los Angeles County Professional Peace Officers Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs Association
Santa Ana Police Officers Association
Sheriff's Employee Benefits Association

OPPOSITION: (Verified 8/28/25)

None received

ARGUMENTS IN SUPPORT: According to the sponsors, the Association of Orange County Deputy Sheriffs:

“Our cities and counties owe it to the peace officers and firefighters and their families who paid the ultimate sacrifice to protect our communities. Allowing minor dependents of our heroic peace officers and firefighters killed in the line of duty to access health benefits until they are 26 would be an important and meaningful gesture. This would align California law with the ACA’s requirement. Many years ago, the ACA increased the age to 26 to account for the financial instability and career volatility that many young adults experience. It is not uncommon for the children of our law enforcement and firefighter heroes to have a huge challenge to overcome their loss of a parent killed in the line of duty, and burdening them with the loss of employer health benefits is not fair. These dependents, who have already dealt with the hardship of losing a parent, should be

subject to the same rules as those with living parents and have an extra five years to find health insurance.”

Prepared by: Jazmin Marroquin / L., P.E. & R. / (916) 651-1556
8/28/25 16:50:06

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