



STATE OF NEW MEXICO

DEATH BENEFITS

IMPORTANT NOTICE: Both Federal and State death benefits MAY be tax exempt.

The IRS Code of the United States states that:

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



To obtain certified copies of registered personal documents, contact Vital Records Office, PO Box 26110, 1105 St. Francis DR, Santa Fe, NM 87502. (505) 827-0121.

STATE DEATH BENEFITS

A one-time state death benefit of **\$250,000** is payable to the designated beneficiary of New Mexico Police Officers killed in the line-of-duty. This excludes federal officers. If the officer is with Tribal Police the cases are different in every agency. For more information regarding Tribal Officers contact your agency.

An additional one-time death benefit for New Mexico State Police: \$50,000 per employee, \$25,000 additional for being State Police, \$10,000 per family member and \$5,000 for each child.

Contact the New Mexico State Police P.O. Box 1628, Santa Fe, New Mexico 87504-1628; (505) 827-9161 for more information.

Every department in New Mexico has an additional benefit package for the surviving family. Please check with your departments benefits coordinator for more information.

STATE PENSION BENEFITS

Public Employees Retirement Association is responsible for the distribution of 50% of final monthly salary for life, payable to the designated beneficiary. The payment is dependent on what the officer has put in to the retirement plan. Benefits - 50% to 75% of monthly salary if the peace officer is killed while enforcing a federal law.

For specific information concerning state pension benefits contact the above department as individual circumstances may vary available benefits. The surviving spouse **would not** lose pension benefits upon remarriage.

Contact: Public Employees Retirement Association, P.O. Box 2123, Santa Fe, NM 87504-2123; (505) 883-4503.

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EDUCATION BENEFITS

"Fire Fighter and Peace Officer Survivors Scholarship Act"

Fire Fighter and Peace Officer Survivors Scholarships Act, provides a college scholarship program administered by the Board of Educational Finance. **Any spouse or natural or adopted child, twenty-one years of age or under** at the time of the peace officers death is eligible for educational assistance.

A survivor meeting entrance requirements shall be entitled to a scholarship to the eligible institution of his choice. The amount of the scholarship shall be equal to the amount of tuition charged by the institution attended. The scholarship shall continue for such time as the recipient remains a student in good standing at the institution, but in no event shall any survivor receive a scholarship for more than five years.

Contact The Commission on Higher Education, 2048 Galisteo ST, Santa Fe, NM 87505. (505) 476-8400.

HEALTH BENEFITS

Health plans vary. Check with your local department to determine benefit packages available.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers with 3 or more employees in New Mexico; however, waivers are allowed.

Benefit is **66 2/3%** of employee's wage for spouse only or for spouse with child(ren) with a **minimum weekly benefit of \$36 payable but not statutorily prescribed and a maximum weekly benefit of \$699.01 for a maximum period of 700 weeks.** There is also a maximum burial allowance of **\$7,500.**

Two-year lump sum is payable to spouse upon **remarriage and weekly benefits cease.** Children receive benefits **until age 18 or beyond age 18 if disabled, or until age 23** if full-time students.

Contact the Workers' Compensation Administration, 2410 Centre AVE SE, PO Box 27198, Albuquerque, NM 87125. (505) 841-6000.



PERSONAL LIFE POLICIES

Uniform probate code, with extensive modifications, adopted. (45- 1-101 et seq.). Code was enacted with 1975 Official Amendments, but many subsequent Official Amendments have not been adopted.

Separate property **indisposed of by will** goes one-fourth to surviving spouse and remainder to decedent's issue. If no surviving issue, surviving spouse takes all separate property of intestate. One-half of community property over which decedent had power of testamentary disposition goes to surviving spouse, if indisposed of by will. (45-2-102, 103). **If no surviving spouse**, all intestate property goes to issue of same degree equally, if not same degree, by representation. **If no surviving spouse or issue**, all property goes successively to following classes in priority listed: Decedent's parents' issue of parents; grandparents; issue of grandparents; any lineal ancestors or their descendants. (45- 2-103). Must survive decedent by **120 hours** to take as heir.

Surviving Spouse - Surviving spouse **owns one-half of community property**; other one-half can be disposed of by will. Community property is subject to community debts. (45-2-804).

PEER SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a "lifeline" to police survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

ADDITIONAL BENEFITS

The New Mexico State Police Association provides death benefits to beneficiaries of its **members**. Natural causes - off duty \$2,500, Natural Causes - on duty \$5,000, and the beneficiaries of police officers killed in the line of duty will receive \$7,500.

There is a Police Officers Memorial located at the **Department of Public Safety, 4491 Cerrillos Road, Santa Fe, New Mexico.**

FUNERAL AND CREMATION BENEFITS

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Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ www.dignitymemorial.com and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.