

1 exceeding the accrued retirement benefit of the member, except as
2 otherwise provided in this article. Such disability benefit shall
3 be payable immediately upon determination of eligibility. Any
4 preexisting condition identified at the time of any initial or
5 subsequent membership shall be used to offset the percentage of
6 impairment to the whole person in determining any disability
7 benefit. Once the initial disability benefit has been awarded by
8 the Board on the basis of the percentage of impairment to the whole
9 person, the member shall have no further recourse to increase the
10 awarded percentage of impairment.

11 B. In order for any member to be eligible for any disability
12 benefit, or the member's beneficiaries to be eligible for a pension,
13 the member must have complied with any agreement as to contributions
14 by the member and other members to any funds of the System where the
15 agreement has been made as provided by this article; and the State
16 Board must find:

17 1. That the member incurred a permanent total disability or a
18 permanent partial disability or died while in, and in consequence
19 of, the performance of duty as an officer; or

20 2. That such member has served ten (10) years and incurred a
21 permanent total disability or a permanent partial disability or has
22 died from any cause.

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1 C. In the event of the death of any member who has been awarded
2 a disability benefit or is eligible therefor as provided in this
3 article, the member's beneficiary shall be paid the benefit.

4 D. 1. As of the date of determination by the State Board that
5 a member has a permanent in-line disability, the member shall be
6 awarded a normal disability benefit, as defined in Section 50-101 of
7 this title.

8 2. If an injury to a member results from a violent act as
9 defined by this paragraph while in the performance of his or her
10 duties as a police officer, the State Board shall make a
11 determination that the member has sustained a one-hundred-percent
12 disability and shall make the benefit award in accordance with that
13 standard. As used in this paragraph, "violent act" means a violent
14 attack upon the member by means of a dangerous weapon including, but
15 not limited to, a firearm, knife, automobile, explosive device or
16 other dangerous weapon.

17 E. If the participating municipality denies a disabled member
18 the option of continuing employment instead of retiring on a
19 disability pension, then the burden of proof rests with the
20 participating municipality to show cause to the State Board that
21 there is no position as a sworn officer within the police department
22 of that municipality which the member can fill.

23 F. Upon determination by the State Board that a member is
24 physically or mentally disabled and that the disability is permanent

1 and total and that the member has completed ten (10) years of
2 credited service and is disabled by any cause, the member shall
3 receive a disability benefit on the basis of the member's accrued
4 retirement benefit. A permanent and total impairment equates to one
5 hundred percent (100%) of accrued retirement benefit.

6 G. For purposes of this section, a "mental health specialist"
7 means a psychiatrist licensed by the Oklahoma Board of Medical
8 Licensure and Supervision, a psychologist licensed by the Oklahoma
9 State Board of Examiners of Psychologists, or a Licensed
10 Professional Counselor, Licensed Marital and Family Therapist, or
11 Licensed Behavioral Practitioner licensed by the Oklahoma Board of
12 Behavioral Health Licensure.

13 H. Upon determination by the State Board that a member is
14 physically or mentally disabled and that the disability is permanent
15 and partial and that the member has completed ten (10) years of
16 credited service as a member and is disabled from any cause, the
17 member shall be awarded a disability benefit on the basis of the
18 member's years of credited service as a member and the percentage of
19 impairment to the whole person, as defined by the standards of the
20 impairment as outlined in the "American Medical Association's Guides
21 to the Evaluation of Permanent Impairment", on the basis of the
22 following table:

23 1% to 49% impaired = 50% of accrued retirement benefit

24 50% to 74% impaired = 75% of accrued retirement benefit

1 75% to 99% impaired = 100% of accrued retirement benefit.

2 ~~H.~~ I. Before making a finding as to the disability of a member,
3 the State Board shall require that, if the member is able, the
4 member shall make a certificate as to the disability which shall be
5 subscribed and sworn to by the member. It shall also require a
6 certificate as to such disability to be made by some physician
7 licensed to practice in this state, or a psychologist for mental
8 disability applications, as selected by the State Board. The State
9 Board may require other evidence of disability before making the
10 disability benefit. The salary of any such member shall continue
11 while the member is so necessarily undergoing treatment, confined to
12 such hospital bed or home, and necessarily requires medical care or
13 professional nursing on account of such sickness or disability for a
14 period of not more than six (6) months, after which the period the
15 other provisions of this article may apply. The State Board, in
16 making disability benefits, shall act upon the written request of
17 the member or without such request, if it deem it for the good of
18 the police department. Any disability benefits shall cease when the
19 member receiving same shall be restored to active service at a
20 salary not less than three-fourths (3/4) of the member's average
21 monthly salary.

22 ~~F.~~ J. Any member of a police department of any municipality
23 who, in the line of duty, has been exposed to hazardous substances
24 including but not limited to chemicals used in the manufacture of a

1 controlled dangerous substance or chemicals resulting from the
2 manufacture of a controlled dangerous substance, or to blood-borne
3 pathogens and who is later disabled from a condition that was the
4 result of such exposure and that was not revealed by the physical
5 examination passed by the member upon entry into the System shall be
6 presumed to have incurred such disability while performing the
7 officer's duties unless the contrary is shown by competent evidence.
8 The presumption created by this subsection shall have no application
9 whatever to any workers' compensation claim or claims, and it shall
10 not be applied or be relied upon in any way in workers' compensation
11 proceedings. All compensation or benefits due to any member
12 pursuant to the presumption created by this subsection shall be paid
13 solely by the system.

14 ~~J.~~ K. If the requirements of Section 50-114.4 of this title are
15 satisfied, a member who, by reason of disability, is separated from
16 service as a public safety officer with the member's participating
17 municipality, may elect to have payment made directly to the
18 provider for qualified health insurance premiums by deduction from
19 his or her monthly disability benefit, after December 31, 2006, in
20 accordance with Section 402(1) of the Internal Revenue Code of 1986,
21 as amended. For distributions made after December 29, 2022, the
22 election provided for under Section 402(1) of the Internal Revenue
23 Code of 1986, as amended, may be made whether payment of the
24 premiums is made directly to the provider of the accident or health

1 plan or qualified long-term care insurance contract by deduction
2 from a distribution from the System or is made to the member.

3 SECTION 2. This act shall become effective November 1, 2026.
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5 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated
6 03/05/2026 - DO PASS, As Coauthored.
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