

1 HB546
2 118196-1
3 By Representatives Payne, Johnson, Collier, Baker (A) and
4 DeMarco
5 RFD: Government Appropriations
6 First Read: 11-FEB-10

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8 SYNOPSIS: Under existing law, the dependents of a
9 peace officer, fireman, or volunteer fireman who is
10 killed in the line of duty are entitled to a death
11 benefit in the amount of \$100,000. If a death
12 occurs within 10 years from an injury received in
13 the line of duty and is proximately caused from the
14 injury, the death is deemed to have occurred in the
15 line of duty.

16 This bill would delete the requirement that
17 the death be within 10 years of the injury if the
18 death results from the injury.

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20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 36-30-2 of the Code of Alabama
25 1975, providing a death benefit for the dependents of a peace
26 officer, fireman, or volunteer fireman as a result of injuries
27 received in the line of duty, to delete the requirement that

1 the death be within 10 years of the injury if the death
2 results from the injury.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 36-30-2, Code of Alabama 1975, is
5 amended to read as follows:

6 "§36-30-2.

7 "(a) In the event a peace officer, or a firefighter,
8 or a volunteer firefighter, who is a member of an organized
9 volunteer fire department registered with the Alabama Forestry
10 Commission, is killed, either accidentally or deliberately, or
11 dies as a result of injuries received while engaged in the
12 performance of his or her duties, or dies as a direct and
13 proximate result of a heart attack or stroke, his or her
14 beneficiaries or dependents shall be entitled to compensation
15 in the amount of one hundred thousand dollars (\$100,000) to be
16 paid from the State Treasury as provided in Section 36-30-3,
17 unless such death was caused by the willful misconduct of the
18 officer or was due to his or her own intoxication or his or
19 her willful failure or refusal to use safety appliances
20 provided by his or her employer or his or her willful refusal
21 or neglect to perform a statutory duty or any other willful
22 violation of a law or his or her willful breach of a
23 reasonable rule or regulation governing the performance of his
24 or her duties or his or her employment of which rule or
25 regulation he or she had knowledge. Any peace officer, or any
26 firefighter, or volunteer firefighter whose death results
27 proximately ~~and within 10 years~~ from an injury received while

1 performing his or her duties shall, for the purposes of this
2 article, be deemed to have been killed while in the
3 performance of such duties. If the State Health Officer
4 determines from all available evidence that a volunteer
5 firefighter, who is a member of an organized volunteer fire
6 department registered with the Alabama Forestry Commission,
7 has become totally disabled as a result of any injury received
8 while engaged in the performance of his or her fire-fighting
9 duties and the disability is likely to continue for more than
10 12 months from the date the injury is incurred, then the
11 firefighter shall be entitled to receive disability
12 compensation in the amount of one hundred thousand dollars
13 (\$100,000) to be paid from the State Treasury as provided in
14 Section 36-30-3. The term total disability shall be
15 interpreted to mean that the injured party is medically
16 disabled to the extent that he or she cannot perform the
17 duties of the job occupation or profession in which he or she
18 was engaging at the time the injury was sustained. The State
19 Health Officer may seek the assistance of any state agency in
20 making the determination of disability and the state agencies
21 shall cooperate with the State Health Officer in such regard.
22 The State Health Officer shall render a decision within 30
23 days of the time a claim is filed. If such volunteer
24 firefighter disagrees with any officer, he or she may appeal
25 the determination to the State Board of Adjustment in
26 accordance with such board's procedures for such appeals.

1 "(b) Beginning in calendar year 2009, the
2 compensation amounts payable under this section shall be
3 adjusted on January 1 of each year to reflect any increase
4 during the preceding calendar year in the consumer price index
5 as published by the U.S. Department of Labor, Bureau of Labor
6 Statistics. The adjustment shall equal the percentage change
7 in the consumer price index during the preceding calendar
8 year."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.