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3 SUBSTITUTE FOR HB298

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8 SYNOPSIS: Under existing law, any dependent child or  
9 spouse of a full-time law enforcement officer,  
10 full-time firefighter, or rescue squad member who  
11 was killed or became totally disabled in the line  
12 of duty is eligible to receive free tuition and  
13 costs for undergraduate studies at any state  
14 college, state community college, state junior  
15 college, or state technical college in the state.

16 Under existing law, the beneficiaries or  
17 dependents of a peace officer, firefighter,  
18 volunteer firefighter, or rescue squad member who  
19 was killed, or died as a result of injuries  
20 received while engaged in the performance of his or  
21 her duties, or died as a direct and proximate  
22 result of a heart attack or stroke are entitled to  
23 receive compensation.

24 This bill would extend the educational  
25 assistance provided to full-time law enforcement  
26 officers, firefighters, and rescue squad members

1 under existing law to include reserve deputies and  
2 reserve police officers.

3 This bill would also expand the definition  
4 of peace officer to include reserve deputies and  
5 reserve police officers to extend death benefits to  
6 these individuals.

7  
8 A BILL  
9 TO BE ENTITLED  
10 AN ACT

11  
12 Relating to reserve deputies and reserve police  
13 officers; to amend Sections 36-21-102 and 36-30-1, Code of  
14 Alabama 1975, to provide educational assistance to reserve  
15 deputies and reserve police officers; and to expand the  
16 definition of peace officer to include reserve deputies and  
17 reserve police officers for purposes of the payment of death  
18 benefits.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 36-21-102 and 36-30-1, Code of  
21 Alabama 1975, are amended to read as follows:

22 "§36-21-102.

23 "When a full-time law enforcement officer or  
24 full-time firefighter employed by the state, by any county, or  
25 by any municipality, a volunteer firefighter, a reserve deputy  
26 or a reserve police officer who is authorized by a supervisory  
27 law enforcement agency, or a rescue squad member is or was

1 killed or becomes totally disabled in the line of duty, free  
2 tuition for undergraduate study at any state college, state  
3 community college, state junior college, state technical  
4 college, in the State of Alabama, and other costs officially  
5 prescribed for the classes in the course of study, shall be  
6 paid for the following:

7 "(1) Any dependent child, natural or adopted, under  
8 21 years of age at the time of death or total disability of  
9 the law enforcement officer, firefighter, reserve deputy or  
10 police officer, or rescue squad member.

11 "(2) A spouse who has not remarried, provided  
12 initial enrollment is within five years of the death or total  
13 disability of the law enforcement officer, firefighter,  
14 volunteer firefighter, reserve deputy or police officer, or  
15 rescue squad member.

16 "§36-30-1.

17 "(a) For the purposes of this chapter, the following  
18 words and phrases shall have the following meanings:

19 "(1) AWARDING AUTHORITY. The State Board of  
20 Adjustment, created and existing pursuant to Article 4,  
21 Chapter 9 of Title 41.

22 "(2) COMPENSATION. The money benefits paid on  
23 account of injury or death which occurred during the course of  
24 employment or activity as a peace officer or firefighter and  
25 is in the nature of workers' compensation.

1           "(3) DEPENDENT CHILD. An unmarried child under the  
2 age of 18 years, or one over the age of 18 who is physically  
3 or mentally incapacitated from earning.

4           "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK  
5 OR STROKE. Death resulting from a heart attack or stroke  
6 caused by engaging or participating in a situation while on  
7 duty involving nonroutine stressful or strenuous physical law  
8 enforcement, fire suppression, rescue, hazardous material  
9 response, emergency medical service, prison security, disaster  
10 relief, other emergency medical response activity, or  
11 participation in a training exercise which involved nonroutine  
12 stressful or strenuous physical activity; and the heart attack  
13 or stroke is suffered while still on that duty after so  
14 engaging or participating or not more than 24 hours after so  
15 engaging or participating.

16           "(5) FIREFIGHTER or FIREFIGHTERS. A member or  
17 members of a paid or volunteer fire department of a city,  
18 town, county, or other subdivision of the state or of a public  
19 corporation organized for the purpose of providing water,  
20 water systems, fire protection services, or fire protection  
21 facilities in the state; and shall include the chief,  
22 assistant chief, wardens, engineers, captains, firefighters,  
23 and all other officers and employees of such departments who  
24 actually engage in fire fighting or in rendering first aid in  
25 case of drownings or asphyxiation at the scene of action.

26           "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,  
27 constables, municipal police officers, municipal policemen,

1 state and town marshals, members of the highway patrol, state  
2 troopers, Alcoholic Beverage Control Board Enforcement  
3 Division agents, enforcement officers of the Public Service  
4 Commission, revenue agents, and persons who are required by  
5 law to comply with the provisions of the Peace Officers'  
6 Minimum Standards, employees of the Board of Corrections,  
7 highway camp guards, law enforcement officers of the  
8 Department of Conservation and Natural Resources, all law  
9 enforcement officers of the Alabama Forestry Commission,  
10 livestock theft investigators of the Department of Agriculture  
11 and Industries, Capitol security guards, narcotic agents and  
12 inspectors of the State Board of Health, any other state,  
13 county, or municipal officer engaged in quelling a riot, or  
14 civil disturbance, reserve deputies or reserve police officers  
15 who are authorized by a supervisory law enforcement agency,  
16 and university police officers.

17 "(7) RESCUE SQUAD MEMBER. A member of an organized  
18 rescue squad of a city, town, county, or other subdivision of  
19 the state or of a public corporation, organized for the  
20 purpose of providing, within the scope of his or her practice:  
21 First aid, treatment, or transport of the sick or injured;  
22 rescue or recovery operations at incidents of drowning; search  
23 and rescue of individuals lost or incapable of self rescue; or  
24 any other emergency or non-emergency incident where the  
25 services provided by the rescue squad are deemed necessary for  
26 incident stabilization. The term includes all commanders,

1 officers, and members of organized rescue squads that are  
2 members of the Alabama Association of Rescue Squads.

3 "(b) For the purposes of this chapter, the following  
4 described persons shall be conclusively presumed to be wholly  
5 dependent:

6 "(1) Spouse, unless it be shown that the spouse was  
7 voluntarily living apart from the peace officer, firefighter,  
8 or rescue squad member at the time of death, or unless it be  
9 shown that the peace officer, firefighter, or rescue squad  
10 member was not in any way contributing to the spouse's support  
11 and had not in any way contributed to the spouse's support for  
12 more than 12 months next preceding the occurrence of the  
13 injury causing death.

14 "(2) Minor children under the age of 18 years and  
15 those over 18 if physically and mentally incapacitated from  
16 earning.

17 "(3) Spouse, child, mother, father, grandmother,  
18 grandfather, sister, brother, mother-in-law, and father-in-law  
19 who were wholly supported by a deceased peace officer,  
20 firefighter, or rescue squad member at the time of his or her  
21 death and for a reasonable period of time prior thereto shall  
22 be considered his or her dependents and payment of  
23 compensation may be made to them as hereinafter authorized.

24 "(c) If a paid or volunteer firefighter, peace  
25 officer, certified police officer, reserve law enforcement  
26 officer, or rescue squad member is killed while engaged in the  
27 performance of his or her duties and there are no designated

1 beneficiaries, then the compensation shall be paid to his or  
2 her dependents or partial dependents in the manner prescribed  
3 by Section 36-30-3, and if there are none, the compensation  
4 shall be paid to his or her non-dependent children, and if  
5 there are none, the compensation shall be paid to his or her  
6 parents, and if there are none, the compensation shall be paid  
7 to the estate of the deceased.

8 "(d) Any member of the class named in subdivision  
9 (3) of subsection (b) who regularly derived part of his or her  
10 support from the earnings of the deceased peace officer,  
11 firefighter, or rescue squad member, as the case may be, at  
12 the time of his or her death and for a reasonable time  
13 immediately prior thereto shall be considered his or her  
14 partial dependent and payment of compensation may be made to  
15 such partial dependent as hereinafter authorized."

16 Section 2. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.