

## Senate Bill 43

By: Senators Jackson of the 41st, Albers of the 56th, Robertson of the 29th, Jones II of the 22nd, Payne of the 54th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia  
2 Annotated, relating to Georgia State Indemnification Fund, so as to provide that death by  
3 suicide of a public safety officer in certain instances be considered a death in the line of duty  
4 for purposes of indemnification; to provide clarification for instances of indemnification for  
5 heart attack, stroke, or vascular rupture; to revise and provide for a definition; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated,  
10 relating to Georgia State Indemnification Fund, is amended by revising Code  
11 Section 45-9-85, relating to payment of indemnification for death or disability, procedure for  
12 making payments, and appeal, as follows:

13 "45-9-85.

14 (a) As used in this Code section, the term:

15 (1) 'Nonroutine stressful or strenuous physical activity' means actions that are not  
16 clerical, administrative, or nonmanual in nature.

17 (2) 'Public safety officer' means a law enforcement officer, firefighter, emergency  
18 medical technician, emergency management rescue specialist, state highway employee,  
19 or prison guard authorized to indemnification pursuant to Article III, Section VI,  
20 Paragraph VI, subparagraphs (d), (e), and (g) of the Georgia Constitution.

21 (3) 'Work related activity' means, while ~~in the line of~~ on duty:

22 (A) Engaging in a situation involving nonroutine stressful or strenuous physical  
23 activity related to law enforcement, fire suppression, rescue, hazardous material  
24 response, emergency medical services, prison or jail security, disaster relief, or any  
25 other emergency response as classified by the commission; or

26 (B) Participating in a training exercise involving nonroutine stressful or strenuous  
27 physical activity.

28 (b) Indemnification shall be paid under this ~~article~~ part as follows:

29 (1) In the case of a partial permanent disability suffered ~~in the line of duty~~ by a public  
30 safety officer while in the line of duty, the eligible disabled person may elect to receive  
31 a payment of \$35,000.00 paid in equal monthly installments for five years or a lump sum  
32 of such amount reduced to its present value upon the basis of interest calculated at the  
33 rate of 6 percent per annum;

34 (2) In the case of a total permanent disability suffered ~~in the line of duty~~ by a public  
35 safety officer while in the line of duty, the ~~injured~~ eligible disabled person may elect to  
36 receive a payment of \$75,000.00 paid in equal monthly installments for five years or a  
37 lump sum of such amount reduced to its present value upon the basis of interest  
38 calculated at the rate of 6 percent per annum;

39 (3)(A) In the case of death suffered ~~in the line of duty~~ by a public safety officer while  
40 in the line of duty, payment shall be made to:

41 (i) The surviving unremarried spouse;

42 (ii) The surviving children who are under the age of 19 or, if a student enrolled in an  
 43 institution of postsecondary education at the time of such death, under the age of 24;  
 44 or

45 (iii) Individuals not otherwise provided for under this subparagraph who are the  
 46 dependents of the spouse or deceased person as shown in the spouse's or deceased  
 47 person's most recent tax return.

48 (B) In the case of organic brain damage suffered ~~in the line of duty by a law~~  
 49 ~~enforcement officer, firefighter, emergency medical technician, emergency~~  
 50 ~~management specialist, state highway employee, or prison guard~~ by a public safety  
 51 officer while in the line of duty, payment shall be made to the legal guardian of the  
 52 organically brain damaged person.

53 (C) The surviving unremarried spouse, dependents, or the legal guardian qualified for  
 54 indemnification payment pursuant to this paragraph may elect to receive a payment in  
 55 ~~a lump sum payment~~ of \$150,000.00 paid in equal monthly installments for five years  
 56 or a lump sum of such amount reduced to its present value upon the basis of interest  
 57 calculated at the rate of 6 percent per annum; ~~or.~~

58 (c)(1) After the department, or the commission upon review of a denial by the  
 59 department, determines that a public safety officer has suffered a total permanent  
 60 disability, a partial permanent disability, organic brain damage, or death in the line of  
 61 duty, the department shall be authorized to make the appropriate payments as provided  
 62 in subsection (b) of this Code section.

63 ~~(4)(2) The department shall consider a~~ A heart attack, stroke, or vascular rupture suffered  
 64 by a public safety officer ~~shall be presumed to qualify such public safety officer under~~  
 65 ~~this subsection~~ to have occurred while in the line of duty if the heart attack, stroke, or  
 66 vascular rupture:

67 (A) Commenced:

68 (i) While such public safety officer was performing work related activity;

69 (ii) While such public safety officer was on duty after performing work related  
70 activity; or

71 (iii) Not later than 24 hours after performing work related activity; and

72 (B) Directly or proximately resulted in the death or partial or permanent disability of  
73 the public safety officer, unless competent medical evidence established that the heart  
74 attack, stroke, or vascular rupture was not related to the work related activity or was  
75 directly or proximately caused by something other than the mere presence of  
76 cardiovascular disease risk factors.

77 (3) The department shall consider the death of a public safety officer caused by suicide  
78 to have occurred while in the line of duty if the death occurred within 30 days of his or  
79 her last day on duty.

80 ~~(c) After the department, or the commission upon review of a denial by the department,~~  
81 ~~determines that a public safety officer has suffered a total permanent disability, a partial~~  
82 ~~permanent disability, organic brain damage, or death in the line of duty, the department~~  
83 ~~shall be authorized to make the appropriate payments as provided in subsection (b) of this~~  
84 ~~Code section.~~

85 (d) If the department denies a claim, any person seeking benefits pursuant to this part may  
86 appeal the department's decision to the commission. Any such appeal shall be filed with  
87 the commission within 60 days of receipt of the department's decision and shall identify  
88 the errors in the department's decision. Appeals shall be considered by the commission at  
89 the commission's semiannual meeting as provided in Code Section 45-9-84."

90 **SECTION 2.**

91 Said part is further amended by revising Code Section 45-9-88, relating to indemnification  
92 not to be awarded when penal violation, suicide, intentionally self-inflicted injuries, natural  
93 causes, or performance of certain routine duties caused or contributed to death or disability,  
94 as follows:

95 "45-9-88.

96 (a) No indemnification shall be awarded to any person otherwise entitled thereto who  
97 violates a penal law of this state which violation caused or contributed to the death or  
98 disability of the officer.

99 (b) Notwithstanding any other provision of this ~~article part~~, no payment shall be authorized  
100 if death, organic brain damage, total permanent disability, or partial permanent disability  
101 occurs from ~~suicide~~, intentionally self-inflicted injuries other than suicide, natural causes,  
102 or the performance of routine duties which would not be considered strenuous or dangerous  
103 by a reasonable person, except as provided for in subsection ~~(b)~~ (c) of Code  
104 Section 45-9-85."

105

### SECTION 3.

106 All laws and parts of laws in conflict with this Act are repealed.