

1 HB52
2 196861-1
3 By Representative Wood (R)
4 RFD: Ways and Means Education
5 First Read: 05-MAR-19
6 PFD: 03/04/2019

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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 in the amount of one hundred
24 thousand dollars (\$100,000) to be paid from the
25 State Treasury.

26 This bill would extend the educational
27 assistance provided to full-time law enforcement

1 officers, firefighters, and rescue squad members
2 under existing law to include reserve deputies and
3 reserve police officers.

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

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§36-21-102.

24 "When a full-time law enforcement officer or
25 full-time firefighter employed by the state, by any county, or
26 by any municipality, a volunteer firefighter, reserve deputy,
27 reserve police officer, 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, or rescue squad
10 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, or rescue squad member.

15 "§36-30-1.

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

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

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

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

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

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

23 "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,
24 constables, municipal police officers, municipal policemen,
25 state and town marshals, members of the highway patrol, state
26 troopers, Alcoholic Beverage Control Board Enforcement
27 Division agents, enforcement officers of the Public Service

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

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

25 "(b) For the purposes of this chapter, the following
26 described persons shall be conclusively presumed to be wholly
27 dependent:

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

9 "(2) Minor children under the age of 18 years and
10 those over 18 if physically and mentally incapacitated from
11 earning.

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

19 "(c) If a paid or volunteer firefighter, peace
20 officer, certified police officer, reserve law enforcement
21 officer, or rescue squad member is killed while engaged in the
22 performance of his or her duties and there are no designated
23 beneficiaries, then the compensation shall be paid to his or
24 her dependents or partial dependents in the manner prescribed
25 by Section 36-30-3, and if there are none, the compensation
26 shall be paid to his or her non-dependent children, and if
27 there are none, the compensation shall be paid to his or her

1 parents, and if there are none, the compensation shall be paid
2 to the estate of the deceased.

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

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