

1 HB127
2 147591-1
3 By Representative Newton (C)
4 RFD: State Government
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, the beneficiaries or
9 dependents of a firefighter or peace officer who is
10 killed in the line of duty, or who dies as a result
11 of injuries received in the line of duty, or dies
12 from a heart attack or stroke under certain
13 conditions related to the line of duty, are
14 entitled to compensation in the amount of \$100,000
15 to be paid from the State Treasury. The term
16 firefighter as defined does not include a
17 firefighter employed by the State of Alabama or any
18 of its agencies.

19 This bill would further define firefighter
20 for the purpose of the above law to include a
21 firefighter employed by the State of Alabama or any
22 of its agencies.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 36-30-1, Code of Alabama 1975,
2 relating to death benefits for firefighters and peace
3 officers; to further define firefighter to include a
4 firefighter employed by the State of Alabama or any of its
5 agencies.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 36-30-1, Code of Alabama 1975, is
8 amended to read as follows:

9 "§36-30-1.

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

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

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

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

22 "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK
23 OR STROKE. Death resulting from a heart attack or stroke
24 caused by engaging or participating in a situation while on
25 duty involving nonroutine stressful or strenuous physical law
26 enforcement, fire suppression, rescue, hazardous material
27 response, emergency medical service, prison security, disaster

1 relief, other emergency medical response activity, or
2 participation in a training exercise which involved nonroutine
3 stressful or strenuous physical activity; and the heart attack
4 or stroke is suffered while still on that duty after so
5 engaging or participating or not more than 24 hours after so
6 engaging or participating.

7 "(5) FIREFIGHTER or FIREFIGHTERS. A member or
8 members of a paid or volunteer fire department of a city,
9 town, county, or other subdivision of the state or of a public
10 corporation organized for the purpose of providing water,
11 water systems, fire protection services, or fire protection
12 facilities in the state; or a firefighter employed by the
13 State of Alabama or any of its agencies and shall include the
14 chief, assistant chief, wardens, engineers, captains,
15 firefighters, and all other officers and employees of such
16 departments who actually engage in fire fighting or in
17 rendering first aid in case of drownings or asphyxiation at
18 the scene of action.

19 "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,
20 constables, municipal police officers, municipal policemen,
21 state and town marshals, members of the highway patrol, state
22 troopers, Alcoholic Beverage Control Board Enforcement
23 Division agents, enforcement officers of the Public Service
24 Commission, revenue agents, and persons who are required by
25 law to comply with the provisions of the Peace Officers'
26 Minimum Standards, employees of the Board of Corrections,
27 highway camp guards, law enforcement officers of the

1 Department of Conservation and Natural Resources, all law
2 enforcement officers of the Alabama Forestry Commission,
3 livestock theft investigators of the Department of Agriculture
4 and Industries, Capitol security guards, narcotic agents and
5 inspectors of the State Board of Health, any other state,
6 county, or municipal officer engaged in quelling a riot, or
7 civil disturbance, and university police officers.

8 "(b) For the purposes of this chapter, the following
9 described persons shall be conclusively presumed to be wholly
10 dependent:

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

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

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

1 "(c) If a paid or volunteer firefighter, peace
2 officer, certified police officer, or reserve law enforcement
3 officer is killed while engaged in the performance of his or
4 her duties and there are no designated beneficiaries, then the
5 compensation shall be paid to his or her dependents or partial
6 dependents in the manner prescribed by Section 36-30-3, and if
7 there are none, the compensation shall be paid to his or her
8 non-dependent children, and if there are none, the
9 compensation shall be paid to his or her parents, and if there
10 are none, the compensation shall be paid to the estate of the
11 deceased.

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

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