

House Bill 1486

By: Representatives Bunn of the 74th, Smith of the 102nd, Yates of the 106th, Callaway of the 81st, Hines of the 38th 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 the Georgia State Indemnification Fund, so as to provide for a lump
3 sum payment to the surviving spouse, minor child or children, or surviving spouse and minor
4 child or children of a law enforcement officer killed in the line of duty; to provide for health
5 and dental insurance coverage for the surviving spouse, minor child or children, or surviving
6 spouse and minor child or children of a law enforcement officer killed in the line of duty;
7 to provide for an additional penalty in the sum of \$1.00 for any criminal or traffic law offense
8 to fund the lump sum payment and health and dental insurance coverage; to provide for
9 related matters; to provide that the effectiveness of this Act shall be conditioned upon the
10 approval by the voters of a certain constitutional amendment; to provide an effective date;
11 to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated,
15 relating to the Georgia State Indemnification Fund, is amended by striking Code Section
16 45-9-80, relating to the purpose of the part, and inserting in its place the following:

17 "45-9-80.

18 The purpose of this part is to:

- 19 (1) Implement the constitutional amendment ratified November 4, 1976, authorizing the
20 General Assembly to provide by law for the indemnification with respect to the death of
21 law enforcement officers, firemen, or prison guards who are killed or have been killed in
22 the line of duty subsequent to January 1, 1973;
- 23 (2) Provide by law for the indemnification with respect to the permanent disability of law
24 enforcement officers, firemen, or prison guards who are permanently disabled or have
25 been permanently disabled in the line of duty subsequent to January 1, 1973;

1 (3) Provide by law for the indemnification with respect to the death or permanent
 2 disability of publicly employed emergency medical technicians who are killed or
 3 permanently disabled or who have been killed or permanently disabled in the line of duty
 4 subsequent to January 1, 1977; ~~and~~

5 (4) Provide by law for the indemnification with respect to the death or permanent
 6 disability of emergency management rescue specialists who are killed or permanently
 7 disabled in the line of duty on or after January 1, 1991: ;

8 (5) Provide by law for a lump sum payment of \$25,000.00 to assist with immediate
 9 living and funeral expenses to the surviving spouse, minor child or children, or surviving
 10 spouse and minor child or children of law enforcement officers who are killed in the line
 11 of duty subsequent to January 1, 2003; and

12 (6) Provide by law for health and dental insurance coverage for the surviving spouse,
 13 minor child or children, or surviving spouse and minor child or children of law
 14 enforcement officers who are killed in the line of duty subsequent to January 1, 2003."

15 SECTION 2.

16 Said part is further amended by striking Code Section 45-9-85, relating to payment of
 17 indemnification for death or disability, beneficiary, designation of method of payment, and
 18 procedure for making of payments; Code Section 45-9-86, relating to application for
 19 indemnification; Code Section 45-9-86.1, relating to certain time limits; and Code Section
 20 45-9-86.2, relating to certain time limits; and inserting in their place the following:

21 "45-9-85.

22 (a) The indemnification shall be paid by the commission when a law enforcement officer,
 23 fireman, emergency medical technician, emergency management rescue specialist, or
 24 prison guard who in the line of duty:

25 (1) Is killed or receives bodily injury which results in death within 12 months thereafter,
 26 if such death does not occur from natural causes while performing routine duties which
 27 would not be strenuous or dangerous if performed by citizens who are not law
 28 enforcement officers, firemen, emergency medical technicians, emergency management
 29 rescue specialists, or prison guards, and if such death is not the result of suicide and if
 30 such bodily injury is not intentionally self-inflicted; or

31 (2) Is permanently disabled, if the permanent disability does not occur from natural
 32 causes while performing routine duties which would not be strenuous or dangerous if
 33 performed by citizens who are not law enforcement officers, firemen, emergency medical
 34 technicians, emergency management rescue specialists, or prison guards, and if the
 35 permanent disability is not intentionally self-inflicted.

1 (b)(1) Notwithstanding any provision of this part to the contrary, for any compensable
2 claim filed on or after July 1, 1995, payment shall be made as follows:

3 (A) In the case of permanent disability, the eligible disabled person pursuant to this
4 part may elect payment of \$75,000.00 in equal installments over a period of five years
5 or a payment in lump sum which shall consist of \$75,000.00 reduced to its present
6 value upon the basis of interest calculated at the rate of 6 percent per annum; and

7 (B) In the case of death, payment shall be made to the estate of a person who is eligible
8 for indemnification under this part as follows: the executor or administrator may elect
9 payment of \$75,000.00 in equal installments over a period of five years or a payment
10 in lump sum which shall consist of \$75,000.00 reduced to its present value upon the
11 basis of interest calculated at the rate of 6 percent per annum.

12 (2) With respect to law enforcement officers, firemen, or prison guards who were killed
13 prior to April 5, 1978, or who were permanently disabled prior to January 1, 1981, and
14 who are entitled to indemnification under this part, payment shall be made in lump sum
15 to the estate, in the case of death, or, in the case of permanent disability, to the person
16 disabled.

17 (3) With respect to emergency medical technicians who were killed or permanently
18 disabled prior to July 1, 1987, and who are entitled to indemnification under this part,
19 payment shall be made in lump sum to the estate, in the case of death, or, in the case of
20 permanent disability, to the person disabled.

21 (c) After determining that a law enforcement officer, fireman, emergency medical
22 technician, emergency management rescue specialist, or prison guard has been killed or
23 permanently disabled in the line of duty and that he or she or his or her estate beneficiary
24 is entitled to indemnification under this part, the commission, within ten days after such
25 determination, shall forward a certified copy of the order granting such payment, which
26 order shall include the person to whom such payment shall be made and the method of
27 payment, to the commissioner of administrative services who is authorized to make the
28 appropriate payments from funds appropriated or otherwise made available for the purpose
29 of carrying out this part.

30 45-9-85.1.

31 (a) Notwithstanding any provision of this part to the contrary, with respect to law
32 enforcement officers who are killed in the line of duty on or after January 1, 2003, a
33 payment in lump sum of \$25,000.00 shall be made to the surviving spouse, minor child or
34 children, or surviving spouse and minor child or children of the deceased officer within 14
35 days of the officer's death. Such payment shall be made from funds collected pursuant to
36 Code Section 45-9-85.2.

1 (b)(1) Notwithstanding any provision of this part to the contrary, with respect to law
2 enforcement officers who are killed in the line of duty on or after January 1, 2003, the
3 Georgia State Indemnification Fund shall provide health and dental insurance coverage
4 for the surviving spouse, minor child or children, or surviving spouse and minor child or
5 children of the deceased officer. Such health and dental insurance coverage shall be
6 provided by funds collected pursuant to Code Section 45-9-85.2.

7 (2) All obligations of the Georgia State Indemnification Fund to provide health and
8 dental insurance coverage to the surviving spouse of the deceased officer shall terminate
9 upon remarriage of the surviving spouse. All obligations of the Georgia State
10 Indemnification Fund to provide health and dental insurance coverage to the the minor
11 child or children of the deceased officer shall terminate for each such child upon such
12 minor child's attaining the age of 18.

13 (c) The funds used to provide the lump sum payment and health and dental insurance
14 coverage to the surviving spouse, minor child or children, or surviving spouse and minor
15 child or children of the deceased officer, as specified in subsections (a) and (b) of this Code
16 section, shall be collected as set forth in Code Section 45-9-85.2, and shall be paid over to
17 the Department of Administrative Services, to be deposited into the Georgia State
18 Indemnification Fund.

19 (d) The lump sum payment and health and dental insurance coverage, as specified in
20 subsections (a) and (b) of this Code section, shall be provided only when a deceased officer
21 leaves a surviving spouse, minor child or children, or surviving spouse and minor child or
22 children.

23 (e) In the event funds collected pursuant to Code Section 45-9-85.2 are not sufficient for
24 the purposes set forth in subsections (a) and (b) of this Code section, benefits payable to
25 the surviving spouse, minor child or children, or surviving spouse and minor child or
26 children shall be reduced by the Department of Administrative Services on a pro rata basis.

27 (f) The benefits specified in this Code section are in addition to, and not in lieu of,
28 previously existing benefits available to the surviving spouse, minor child or children, or
29 surviving spouse and minor child or children of law enforcement officers who are killed
30 in the line of duty.

31 45-9-85.2.

32 (a) The funds collected pursuant to this Code section shall be paid over to the Department
33 of Administrative Services and deposited into the Georgia State Indemnification Fund, to
34 be used for the purposes specified in Code Section 45-9-85.1.

35 (b) In every case in which any state court, probate court, municipal court, magistrate court,
36 or superior court in this state shall impose a fine, which shall be construed to include costs,

1 for any offense against a criminal or traffic law of this state or political subdivision thereof,
 2 there shall be imposed as an additional penalty a sum of \$1.00.

3 (c) The sum provided for in subsection (b) of this Code section shall be assessed and
 4 collected by the court officer charged with the duty of collecting moneys arising from fines
 5 and shall be paid over to the Department of Administrative Services by the last day of the
 6 following month to be deposited into the Georgia State Indemnification Fund.

7 (d) When any person, agency, or unit of government whose duty it is to collect and pay
 8 over such moneys fails to remit the sums within 60 days of the date they are required to be
 9 paid over, the same shall be delinquent and there may be imposed, in addition to the
 10 principal amount due, a specific penalty in the amount of 5 percent of said principal
 11 amount per month for each month during which the money continues to be delinquent, not
 12 to exceed a total of 25 percent of the principal amount.

13 (e) Any person whose duty it is to collect and remit the sum provided for in this Code
 14 section who fails or refuses to so remit shall be guilty of a misdemeanor.

15 (f) The Department of Administrative Services is authorized to accept gifts or donations
 16 to the Georgia State Indemnification Fund to be used for the purposes specified in Code
 17 Section 45-9-85.1.

18 45-9-86.

19 (a) An application for indemnification with respect to a claim filed on or after July 1, 1995,
 20 for permanent disability of a law enforcement officer, fireman, prison guard, emergency
 21 medical technician, or emergency management rescue specialist shall be submitted by that
 22 person unless the person is mentally incompetent, in which case the application may be
 23 made on such person's behalf by the parent, spouse, guardian, or other authorized
 24 individual. An application for indemnification with respect to a claim filed on or after July
 25 1, 1995, for the death of a law enforcement officer, fireman, prison guard, emergency
 26 medical technician, or emergency management rescue specialist shall be submitted by the
 27 individual authorized to administer the estate.

28 ~~(b) An application for indemnification relative to any law enforcement officer, fireman,~~
 29 ~~or prison guard killed in the line of duty subsequent to January 1, 1973, and prior to~~
 30 ~~January 1, 1981, must be made prior to January 1, 1982. An application for indemnification~~
 31 ~~relative to any law enforcement officer, fireman, or prison guard killed in the line of duty~~
 32 ~~on and after January 1, 1981, and prior to January 1, 1984, must be made prior to January~~
 33 ~~1, 1986. An application for indemnification relative to any law enforcement officer,~~
 34 ~~fireman, or prison guard killed in the line of duty on or after January 1, 1984, must be made~~
 35 ~~within 24 months from the death of such law enforcement officer, fireman, or prison guard.~~

1 ~~(c) An application for indemnification relative to any law enforcement officer, fireman,~~
2 ~~or prison guard permanently disabled in the line of duty subsequent to January 1, 1973, and~~
3 ~~prior to January 1, 1979, must be made prior to January 1, 1989. An application for~~
4 ~~indemnification relative to any law enforcement officer, fireman, or prison guard~~
5 ~~permanently disabled in the line of duty subsequent to January 1, 1979, and prior to~~
6 ~~January 1, 1980, must be made prior to January 1, 1982. An application for~~
7 ~~indemnification relative to any law enforcement officer, fireman, or prison guard~~
8 ~~permanently disabled in the line of duty on and after January 1, 1980, and prior to January~~
9 ~~1, 1984, must be made prior to January 1, 1992. An application for indemnification~~
10 ~~relative to a permanent disability occurring on or after January 1, 1984, must be made~~
11 ~~within 24 months of the date the permanent disability occurred.~~

12 ~~(d) An application for indemnification with respect to the death or permanent disability of~~
13 ~~an emergency medical technician who was killed or permanently disabled subsequent to~~
14 ~~January 1, 1977, and prior to January 1, 1987, must be made prior to January 1, 1989. An~~
15 ~~application for indemnification with respect to the death or permanent disability of an~~
16 ~~emergency medical technician who is killed or permanently disabled in the line of duty on~~
17 ~~or after January 1, 1987, must be made within 24 months after the date of death or~~
18 ~~disability.~~

19 (e) An application for indemnification with respect to the death or permanent disability of
20 an emergency management rescue specialist who is killed or permanently disabled in the
21 line of duty on or after January 1, 1991, must be made within 24 months after the date of
22 the death or disability.

23 (f) An application for indemnification with respect to the death or permanent disability of
24 a member of the Georgia National Guard included in the definition of a law enforcement
25 officer pursuant to paragraph (6) of Code Section 45-9-81 who is killed or permanently
26 disabled in the line of duty while in active state service on or after July 1, 1995, must be
27 made within 24 months after the date of the death or disability.

28 (g) An application for a lump sum payment of \$25,000.00 to assist with immediate living
29 and funeral expenses to the surviving spouse, minor child or children, or surviving spouse
30 and minor child or children of law enforcement officers who are killed in the line of duty
31 subsequent to January 1, 2003, must be made within 12 months after the date of death.

32 (h) An application for health and dental insurance coverage for the surviving spouse, minor
33 child or children, or surviving spouse and minor child or children of law enforcement
34 officers who are killed in the line of duty subsequent to January 1, 2003, must be made
35 within 12 months after the date of death.

1 45-9-86.1.

2 ~~An application for indemnification relative to any part-time law enforcement officer killed~~
3 ~~in the line of duty subsequent to January 1, 1973, and prior to March 24, 1981, must be~~
4 ~~made no later than 12 months after March 24, 1981.~~ An application for indemnification
5 relative to any part-time law enforcement officer killed in the line of duty on or after March
6 24, 1981, must be made within 12 months after the death of such part-time law
7 enforcement officer.

8 ~~45-9-86.2.~~

9 ~~An application for indemnification relative to any law enforcement officer, fireman, or~~
10 ~~prison guard permanently disabled as a result of organic brain damage subsequent to~~
11 ~~January 1, 1979, and prior to January 1, 1983, must be made prior to January 1, 1984."~~
12

13 SECTION 3.

14 This Act shall become effective only if there is ratified at the 2002 general election a
15 constitutional amendment to provide by law for an additional penalty to be imposed in any
16 case in which any court in this state shall impose a fine for any offense against a criminal law
17 or traffic law of this state or political subdivision thereof to be allocated to the Georgia State
18 Indemnification Fund for the specific purpose of providing a lump sum payment to assist
19 with immediate living and funeral expenses and health and dental insurance coverage to the
20 surviving spouse, minor child or children, or surviving spouse and minor child or children
21 of law enforcement officers who are killed in the line of duty. If such amendment is so
22 ratified, this Act shall become effective January 1, 2003.

23 SECTION 4.

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