

House Bill 48

By: Representatives Chambers of the 81<sup>st</sup>, Bearden of the 68<sup>th</sup>, and Geisinger of the 48<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to  
2 definitions relative to the Georgia State Indemnification Fund, so as to redefine certain terms;  
3 to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions  
7 relative to the Georgia State Indemnification Fund, is amended by revising paragraph (5) to  
8 read as follows:

9 "(5) 'In the line of duty' means:

10 (A) With respect to an emergency medical technician, while on duty and when  
11 responding to or returning from an emergency or performing duties at the scene of an  
12 emergency or transporting a person to a medical facility for emergency treatment or  
13 returning therefrom;

14 (B) With respect to a firefighter, ~~while~~;

15 (i) While on duty and when responding to or returning from a fire or other emergency  
16 or performing duties during any fire or other emergency or performing duties intended  
17 to protect life and property; or

18 (ii) While on or off duty within 24 hours after returning from the last fire to which  
19 he or she responded while on duty during any shift or day;

20 (C) With respect to a law enforcement officer or firefighter, while on duty and  
21 performing services for and receiving compensation from the law enforcement and fire  
22 service agency which employs such officer or firefighter, while off duty when  
23 responding to any situation which would save a life or preserve the peace, or while  
24 preventing or attempting to prevent the commission of a crime or fire. A law  
25 enforcement officer or firefighter who is performing duties for and receiving  
26 compensation from a private employer at the time of such officer's or firefighter's death

1 or bodily injury causing permanent disability shall not be considered in the line of duty  
 2 unless the officer or firefighter has left the scope of his or her employment for the  
 3 private employer for the direct purpose of enforcing or attempting to enforce fire  
 4 service, the criminal or traffic laws, preserving or attempting to preserve public order,  
 5 protecting or attempting to protect life or property, performing active state service as  
 6 a member of the Georgia National Guard, preventing or attempting to prevent a crime,  
 7 detecting or attempting to detect crime, or investigating or attempting to investigate  
 8 crime. The determination that a law enforcement officer or firefighter was killed or  
 9 permanently disabled in the line of duty and is entitled to indemnification pursuant to  
 10 this part shall not be considered in the determination of the entitlement of such officer  
 11 to workers' compensation, disability, health, or other benefits from such officer's or  
 12 firefighter's public or private employer;

13 (D) With respect to a prison guard, while on duty and performing services for and  
 14 receiving compensation from the public agency which employs such prison guard; or

15 (E) With respect to a state highway employee, while on duty and performing any work  
 16 necessary for the construction, maintenance, or operation of a roadway on or within the  
 17 public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such  
 18 employee is killed or permanently disabled as the result of working under hazardous  
 19 conditions in close proximity to moving traffic or equipment."

## 20 SECTION 2.

21 Said Code section is further amended by striking paragraph (6) and inserting in lieu thereof  
 22 the following:

23 "(6) 'Law enforcement officer' means any agent or officer of this state, ~~or~~ a political  
 24 subdivision or municipality ~~thereof~~, of this state, or an authority or instrumentality of this  
 25 state who, as a full-time or part-time employee, is enrolled in a basic training course for  
 26 purposes of Code Section 35-8-9 in a school certified by the Georgia Peace Officer  
 27 Standards and Training Council or is vested either expressly by law or by virtue of public  
 28 employment or service with authority to enforce the criminal or traffic laws and whose  
 29 duties include the preservation of public order, the protection of life and property, or the  
 30 prevention, detection, or investigation of crime. Such term also includes the employees  
 31 designated by the commissioner of juvenile justice of the Department of Juvenile Justice  
 32 pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees  
 33 have the duty to investigate and apprehend delinquent and unruly children who have  
 34 escaped from a facility under the jurisdiction of the Department of Juvenile Justice or  
 35 who have broken the conditions of supervision. Such term also includes members of the

1 Georgia National Guard, the composition of which is set forth in Code Section 38-2-3,  
2 who have been called into active state service by the Governor."

3 **SECTION 3.**

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