

The Senate Veterans, Military and Homeland Security Committee offered the following substitute to HB 1080:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 34, 38, 45, 46, and 50 of the Official Code of Georgia Annotated, relating
2 to labor and industrial relations, to the military, emergency management, and veterans affairs,
3 to public officers and employees, to public utilities and public transportation, and to state
4 government, respectively, so as to eliminate certain provisions relating to emergency
5 management that are obsolete; to eliminate the licensing of nongovernmental rescue
6 organizations, groups, teams, search and rescue dog teams, and individuals by the director
7 of the Georgia Emergency Management Agency; to revise certain definitions; to define the
8 term "emergency management professional"; to revise certain provisions relating to the
9 establishment of, authorization for appropriation of moneys to, and payments from Georgia
10 State Indemnification Fund; to change certain provisions relating to applications for
11 indemnification; to eliminate the 9-1-1 Advisory Committee; to revise certain provisions
12 relating to state flags to honor service of deceased; to provide for related matters; to provide
13 an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

15 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
16 is amended by revising paragraph (2) of Code Section 34-9-1, relating to definitions relative
17 to workers' compensation, as follows:
18

19 "(2) 'Employee' means every person in the service of another under any contract of hire
20 or apprenticeship, written or implied, except a person whose employment is not in the
21 usual course of the trade, business, occupation, or profession of the employer; and, except
22 as otherwise provided in this chapter, minors are included even though working in
23 violation of any child labor law or other similar statute; provided, however, that nothing
24 contained in this chapter shall be construed as repealing or altering any such law or
25 statute. Any reference to any employee who has been injured shall, if the employee dies,
26 include such employee's legal representatives, dependents, and other persons to whom

27 compensation may be payable pursuant to this chapter. All firefighters, law enforcement
28 personnel, and personnel of emergency management or civil defense agencies, emergency
29 medical services, and rescue organizations whose compensation is paid by the state or
30 any county or municipality, regardless of the method of appointment, and all full-time
31 county employees and employees of elected salaried county officials are specifically
32 included in this definition. There shall also be included within such term any volunteer
33 firefighter of any county or municipality of this state, ~~but only for services rendered in~~
34 ~~such capacity which are not prohibited by Code Section 38-3-36~~ and only if the
35 governing authority of the county or municipality for which such services are rendered
36 shall provide by appropriate resolution for inclusion of such volunteer firefighters; any
37 volunteer law enforcement personnel of any county or municipality of this state who are
38 certified by the Georgia Peace Officer Standards and Training Council, for volunteer law
39 enforcement services rendered in such capacity, ~~which are not prohibited by Code~~
40 ~~Section 38-3-36~~ and but only if the governing authority of the county or municipality for
41 which such services are rendered shall provide by appropriate resolution for inclusion of
42 such volunteer law enforcement personnel; any person who is a volunteer member or
43 worker of an emergency management or civil defense organization, emergency medical
44 service, or rescue organization, whether governmental or not, of any county or
45 municipality of this state for volunteer services, ~~which are not prohibited by Code Section~~
46 ~~38-3-36, rendered in such capacity and~~ but only if the governing authority of the county
47 or municipality for which such services are rendered shall provide by appropriate
48 resolution for inclusion of such volunteer members or workers; and any person certified
49 by the Department of Public Health or the Georgia Composite Medical Board and
50 registered with any county or municipality of this state as a medical first responder for
51 any volunteer first responder services rendered in such capacity, ~~which are not prohibited~~
52 ~~by Code Section 38-3-36~~ and but only if the governing authority of the county or
53 municipality for which such services are rendered shall provide by appropriate resolution
54 for inclusion of such responders. The various elected county officers and elected
55 members of the governing authority of an individual county shall also be included in this
56 definition, if the governing authority of said county shall provide therefor by appropriate
57 resolution. For the purposes of workers' compensation coverage, employees of county
58 and district health agencies established under Chapter 3 of Title 31 are deemed and shall
59 be considered employees of the State of Georgia and employees of community service
60 boards established under Chapter 2 of Title 37 shall be considered to be employees of the
61 state. For the purpose of workers' compensation coverage, members of the Georgia
62 National Guard and the State Defense Force serving on state active duty pursuant to an
63 order by the Governor are deemed and shall be considered to be employees of this state.

64 A person shall be an independent contractor and not an employee if such person has a
 65 written contract as an independent contractor and if such person buys a product and
 66 resells it, receiving no other compensation, or provides an agricultural service or such
 67 person otherwise qualifies as an independent contractor. Notwithstanding the foregoing
 68 provisions of this paragraph, any officer of a corporation may elect to be exempt from
 69 coverage under this chapter by filing written certification of such election with the insurer
 70 or, if there is no insurer, the State Board of Workers' Compensation as provided in Code
 71 Section 34-9-2.1. For purposes of this chapter, an owner-operator as such term is defined
 72 in Code Section 40-2-87 shall be deemed to be an independent contractor. Inmates or
 73 persons participating in a work release program, community service program, or similar
 74 program as part of the punishment for violation of a municipal ordinance pursuant to
 75 Code Section 36-32-5 or a county ordinance or a state law shall not be deemed to be an
 76 employee while participating in work or training or while going to and from the work site
 77 or training site, unless such inmate or person is employed for private gain in violation of
 78 Code Section 42-1-5 or Code Section 42-8-70 or unless the municipality or county had
 79 voluntarily established a policy, on or before January 1, 1993, to provide workers'
 80 compensation benefits to such individuals."

81 **SECTION 2.**

82 Title 38 of the Official Code of Georgia Annotated, relating to the military, emergency
 83 management, and veterans affairs, is amended by revising Code Section 38-3-36, relating to
 84 licensing by the director of the Georgia Emergency Management Agency of
 85 nongovernmental rescue organizations, exceptions, and registration of public and private
 86 search and rescue dog teams, as follows:

87 "38-3-36.

88 ~~(a) Except as otherwise provided by subsection (b) of this Code section, all~~
 89 ~~nongovernmental rescue organizations, associations, groups, teams, search and rescue dog~~
 90 ~~teams, or individuals, whether or not they are holders of a charter issued by this state or~~
 91 ~~officers thereof, shall be prohibited from performing any rescue or emergency management~~
 92 ~~type activity until the organization, association, group, team, search and rescue dog team,~~
 93 ~~or individual has been licensed by the director of emergency management to perform the~~
 94 ~~activities. It is expressly declared that Articles 1 through 3 of this chapter shall not amend,~~
 95 ~~repeal, alter, or affect in any manner Code Section 51-1-29.~~

96 ~~(b) Any marine rescue squadron sponsored by and operating under the direction and~~
 97 ~~control of the sheriff of the county of residence of the squadron and chartered as a Marine~~
 98 ~~Rescue Squadron of America, which was so chartered on January 1, 1960, or prior to that~~
 99 ~~date, and which performs only water or boat safety rescue missions within this state, shall~~

100 be deemed to be a governmental rescue organization within the meaning of subsection (a)
 101 of this Code section and need not be licensed by the director of emergency management
 102 as provided in the subsection.

103 (c) ~~The director of emergency management shall promulgate rules and regulations for~~
 104 ~~training and licensing standards for private search and rescue dog teams. The director shall~~
 105 ~~maintain a registry of public and private search and rescue dog teams operating within the~~
 106 ~~state. Any public or private organization which provides rescue services in this state~~
 107 ~~utilizing search and rescue dog teams shall register with the director the name and address~~
 108 ~~of the organization, a 24 hour telephone number to be used for contact during emergencies,~~
 109 ~~the counties in which the search and rescue dog teams provide service, the types of~~
 110 ~~specialized search and rescue dog teams which are available, and such other information~~
 111 ~~as the director may require by rule and regulation Reserved."~~

112 SECTION 3.

113 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 114 is amended by revising Code Section 45-9-81, relating to definitions relative to the Georgia
 115 State Indemnification Fund, as follows:

116 "45-9-81.

117 As used in this part, the term:

118 (1) 'Commission' means the Georgia State Indemnification Commission.

119 (2) 'Department' means the Department of Administrative Services.

120 (3) 'Emergency management professional' means any person employed as or serving
 121 as an officially recognized or officially designated member of any municipal, county, or
 122 state emergency management agency pursuant to Title 38.

123 ~~(3)~~(4) 'Emergency management rescue specialist' means any person licensed as an
 124 emergency management rescue specialist pursuant to Code Section 38-3-36 on or before
 125 June 30, 2012.

126 ~~(4)~~(5) 'Emergency medical technician' includes only persons who:

127 (A) Are certified as emergency medical technicians, paramedics, or cardiac technicians
 128 under Chapter 11 of Title 31; and

129 (B) Are employed in the capacity for which they are so certified by a department,
 130 agency, authority, or other instrumentality of state or local government.

131 ~~(5)~~(6)(A) 'Firefighter' means any person who is employed as a professional firefighter
 132 on a full-time or part-time basis by any municipal, county, or state government fire
 133 department employing three or more firefighters and who has the responsibility of
 134 preventing and suppressing fires, protecting life and property, enforcing municipal,
 135 county, and state fire prevention codes, enforcing any law pertaining to the prevention

136 and control of fires or who performs any acts or actions while on duty or when
 137 responding to a fire or emergency during any fire or other emergency or while
 138 performing duties intended to protect life and property.

139 (B) 'Firefighter' shall also mean any individual serving as an officially recognized or
 140 designated member of a legally organized volunteer fire department, or any employee
 141 of the Georgia Forestry Commission whose job duties include fire mitigation, who
 142 performs any acts or actions while on duty or when responding to a fire or emergency
 143 during any fire or other emergency or while performing duties intended to protect life
 144 and property.

145 (C) 'Firefighter' shall also mean any individual employed by a person or corporation
 146 which has a contract with a municipal corporation or county to provide fire prevention
 147 and fire-fighting services to such municipal corporation or county and any such
 148 individual is employed on a full-time basis of at least 40 hours per week and has the
 149 responsibility of preventing and suppressing fires, protecting life and property,
 150 enforcing municipal or county fire prevention codes, enforcing any municipal or county
 151 ordinances pertaining to the prevention and control of fires or who performs any acts
 152 or actions while on duty or when responding to a fire or emergency during any fire or
 153 other emergency or while performing duties intended to protect life and property.

154 ~~(6)~~(7) 'In the line of duty' means:

155 (A) With respect to an emergency medical technician, ~~or an emergency management~~
 156 rescue specialist, or an emergency management professional, while on duty and when
 157 responding to or returning from an emergency or performing duties at the scene of an
 158 emergency or transporting a person to a medical facility for emergency treatment or
 159 returning therefrom;

160 (B) With respect to a volunteer firefighter, while on duty and when responding to or
 161 returning from a fire or other emergency or performing duties during any fire or other
 162 emergency or performing duties intended to protect life and property including, without
 163 limitation, actual participation in a training exercise;

164 (C) With respect to a law enforcement officer or firefighter, while on duty and
 165 performing services for and receiving compensation from the law enforcement and fire
 166 service agency which employs such officer or firefighter, while off duty when
 167 responding to any situation which would save a life or preserve the peace, or while
 168 preventing or attempting to prevent the commission of a crime or fire. A law
 169 enforcement officer or firefighter who is performing duties for and receiving
 170 compensation from a private employer at the time of such officer's or firefighter's death
 171 or bodily injury causing total permanent disability or partial permanent disability shall

172 not be considered in the line of duty if the officer or firefighter is entitled to workers'
 173 compensation benefits from the private employer or the private employer's insurer;
 174 (D) With respect to a prison guard, while on duty and performing services for and
 175 receiving compensation from the public agency which employs such prison guard; or
 176 (E) With respect to a state highway employee, while on duty and performing any work
 177 necessary for the construction, maintenance, or operation of a roadway on or within the
 178 public roads of the state as defined in paragraph (24) of Code Section 32-1-3 when such
 179 employee is killed or permanently disabled as the result of working under hazardous
 180 conditions in close proximity to moving traffic or equipment.

181 Such term shall not mean commuting to or from work or commuting to or from training.
 182 ~~(7)~~(8) 'Law enforcement officer' means any agent or officer of this state, a political
 183 subdivision or municipality of this state, or an authority of this state or a political
 184 subdivision of this state who, as a full-time or part-time employee, is vested either
 185 expressly by law or by virtue of public employment or service with authority to enforce
 186 the criminal or traffic laws with the power of arrest and whose duties include the
 187 preservation of public order, the protection of life and property, or the prevention,
 188 detection, or investigation of crime. Such term also includes the employees designated
 189 by the commissioner of juvenile justice of the Department of Juvenile Justice pursuant
 190 to paragraph (2) of subsection (i) of Code Section 49-4A-8, which employees have the
 191 duty to investigate and apprehend delinquent and unruly children who have escaped from
 192 a facility under the jurisdiction of the Department of Juvenile Justice or who have broken
 193 the conditions of supervision. Such term also includes members of the Georgia National
 194 Guard, the composition of which is set forth in Code Section 38-2-3, who have been
 195 called into active state service by the Governor.

196 ~~(8)~~(9) 'Organic brain damage' means direct physical trauma to the brain which so affects
 197 the mental capacity as to preclude function productively in any employment.

198 ~~(9)~~(10) 'Partial permanent disability' means disability due to:

- 199 (A) Loss of the use of one eye or blindness in one eye with only light perception;
- 200 (B) Loss of one hand;
- 201 (C) Loss of one leg; or
- 202 (D) Loss of a lower extremity or the residual effect of an organic disease or injury
 203 which so affects the functions of balance or propulsion as to preclude locomotion
 204 without the use of a wheelchair for all but very short distances.

205 ~~(10)~~(11) 'Prison guard' means any person employed by the state or any political
 206 subdivision thereof whose principal duties relate to the supervision and incarceration of
 207 persons accused or convicted of the violation of the criminal laws of this state or any
 208 political subdivision thereof. Such term shall also mean any probation supervisor or

209 parole officer who is required to be certified under Chapter 8 of Title 35, the 'Georgia
 210 Peace Officer Standards and Training Act,' and whose principal duties directly relate to
 211 the supervision of adult probationers or adult parolees. Such term also means any person
 212 employed by the state or any political subdivision thereof whose principal duties include
 213 the supervision of youth who are charged with or adjudicated for an act which if
 214 committed by adults would be considered a crime.

215 ~~(11)~~(12) 'State highway employee' means an employee of the Georgia Department of
 216 Transportation who receives compensation directly therefrom and regularly engages in
 217 duties necessary for the construction, maintenance, or operation of roadways on or within
 218 the public roads of this state as defined in paragraph (24) of Code Section 32-1-3.

219 ~~(12)~~(13) 'Total permanent disability' means disability due to:

- 220 (A) Loss of both eyes or blindness in both eyes with only light perception;
- 221 (B) Loss or loss of use of both hands;
- 222 (C) Loss or loss of use of both legs;
- 223 (D) Loss of a lower extremity or the residual effect of an organic disease or injury
 224 which so affects the functions of balance or propulsion as to preclude locomotion
 225 without resort to a wheelchair at all times; or
- 226 (E) Organic brain damage."

227 **SECTION 4.**

228 Said title is further amended by revising subsection (a) of Code Section 45-9-82, public
 229 officers and employees, as follows:

- 230 "(a) There is established a program to provide for indemnification with respect to the:
- 231 (1) Death of any law enforcement officer, firefighter, or prison guard who is or has been
 232 killed in the line of duty subsequent to January 1, 1973;
 - 233 (2) Permanent disability of any law enforcement officer, firefighter, or prison guard who
 234 is or has been permanently disabled in the line of duty subsequent to January 1, 1973;
 - 235 (3) Death or permanent disability of any emergency medical technician who is killed or
 236 permanently disabled or who has been killed or permanently disabled in the line of duty
 237 subsequent to January 1, 1977;
 - 238 (4) Death or permanent disability of any emergency management rescue specialist who
 239 is killed or permanently disabled on or after January 1, 1991 but prior to July 1, 2012;
 - 240 (5) Death or permanent disability of any emergency management professional who is
 241 killed or permanently disabled in the line of duty on or after July 1, 2012; and
 - 242 ~~(5)~~(6) Death or permanent disability of any state highway employee who is killed or
 243 permanently disabled in the line of duty on or after January 1, 1990."

244

SECTION 5.

245

Said title is further amended by revising Code Section 45-9-84.2, relating to the Georgia State Indemnification Fund, authorization for appropriation of moneys to the fund, and money from other sources, as follows:

246

247

"45-9-84.2.

248

249

The General Assembly is authorized to appropriate funds to be placed in the Georgia State Indemnification Fund for the purpose of providing for indemnification with respect to the death or disability of any law enforcement officer, firefighter, or prison guard who is or has been killed or permanently disabled in the line of duty subsequent to January 1, 1973; the death or disability of any emergency medical technician who is killed or permanently disabled or has been killed or permanently disabled in the line of duty subsequent to January 1, 1977; the death or disability of any emergency management rescue specialist who is killed or permanently disabled on or after January 1, 1991, but prior to July 1, 2012; the death or disability of any emergency management professional who is killed or permanently disabled in the line of duty on or after July 1, 2012; and the death or disability of any state highway employee who is or has been killed or permanently disabled in the line of duty subsequent to January 1, 1990, as well as defraying the expenses and costs incurred by the department and the commission in the administration of this part. In addition, the department is authorized to accept for deposit in the Georgia State Indemnification Fund any other funds from any other source. All funds appropriated to the Georgia State Indemnification Fund shall be presumptively concluded to have been committed to the purpose for which they have been appropriated and shall not lapse."

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

SECTION 6.

267

Said title is further amended by revising Code Section 45-9-85, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, as follows:

268

269

"45-9-85.

270

(a) Indemnification shall be paid under this article as follows:

271

272

(1) In the case of a partial permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, emergency management professional, state highway employee, or prison guard, the eligible disabled person may elect payment of \$35,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;

273

274

275

276

277

278

(2) In the case of a total permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management

279

280 rescue specialist, emergency management professional, state highway employee, or
 281 prison guard, the injured person may elect to receive a payment of \$75,000.00 paid in
 282 equal monthly installments for five years or a lump sum of such amount reduced to its
 283 present value upon the basis of interest calculated at the rate of 6 percent per annum; or
 284 (3) In the case of death or organic brain damage suffered in the line of duty by a law
 285 enforcement officer, firefighter, emergency medical technician, emergency management
 286 rescue specialist, emergency management professional, state highway employee, or
 287 prison guard, payment shall be made to the surviving unremarried spouse or the
 288 dependents of the spouse or deceased person as shown in his or her most recent tax return
 289 or to the legal guardian of the organically brain damaged person. The surviving
 290 unremarried spouse, dependents, or the legal guardian may elect to receive payment in
 291 a lump sum payment of \$100,000.00 paid in equal monthly installments for five years or
 292 a lump sum of such amount reduced to its present value upon the basis of interest
 293 calculated at the rate of 6 percent per annum.

294 (b) After the department, or the commission upon review of a denial by the department,
 295 determines that a law enforcement officer, firefighter, emergency medical technician,
 296 emergency management rescue specialist, emergency management professional, prison
 297 guard, or state highway employee has suffered a total permanent disability, a partial
 298 permanent disability, organic brain damage, or death in the line of duty, the department
 299 shall be authorized to make the appropriate payments as provided in subsection (a) of this
 300 Code section.

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

306 **SECTION 7.**

307 Said title is further amended by revising Code Section 45-9-86, relating to application for
 308 indemnification, as follows:

309 "45-9-86.

310 (a) An application for indemnification with respect to a claim for total permanent disability
 311 or partial permanent disability of a law enforcement officer, firefighter, prison guard,
 312 emergency medical technician, emergency management rescue specialist, emergency
 313 management professional, or state highway employee shall be submitted by that person
 314 unless the person is mentally incompetent, in which case the application may be made on
 315 such person's behalf by his or her legal guardian.

316 (b) An application for indemnification with respect to a claim for the death of a law
 317 enforcement officer, firefighter, prison guard, emergency medical technician, emergency
 318 management rescue specialist, emergency management professional, or state highway
 319 employee shall be submitted by or on behalf of the surviving unremarried spouse or
 320 dependents eligible under this part.

321 (c) An application for indemnification with respect to death, organic brain damage, total
 322 permanent disability, or partial permanent disability must be made within 24 months after
 323 the date of the incident giving rise to the death, organic brain damage, or disability."

324 **SECTION 8.**

325 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 326 transportation, is amended by revising Code Section 46-5-123, relating to the creation of the
 327 9-1-1 Advisory Committee, selection of members, filling of vacancies, organization, and
 328 roles and responsibilities, as follows:

329 "46-5-123.

330 ~~(a) For the purposes of the development and implementation of a plan for the state-wide
 331 emergency 9-1-1 system, there is created the 9-1-1 Advisory Committee to be composed
 332 of the director of the agency, who shall serve as chairperson; the director of the Georgia
 333 Technology Authority or his or her designee; the commissioner of the department or his
 334 or her designee; and 12 other members appointed by the Governor, as follows:~~

335 ~~(1) Three members appointed from nominees of the Georgia Municipal Association;~~

336 ~~(2) Three members appointed from nominees of the Association County Commissioners
 337 of Georgia;~~

338 ~~(3) Four members who are experienced in and currently involved in the management of
 339 emergency telephone systems; and~~

340 ~~(4) Two members who are representatives of the telecommunications industry, one of
 341 whom shall be a representative of a wireless service supplier and one of whom shall be
 342 a representative of a land-based service supplier.~~

343 ~~(b) When appointments are made, the associations making nominations pursuant to this
 344 Code section shall submit at least three times as many nominees as positions to be filled
 345 at that time by nominees of the association.~~

346 ~~(c) The appointed members of the committee shall serve at the pleasure of the Governor.
 347 Vacancies shall be filled in the same manner as the original appointment.~~

348 ~~(d) The committee shall organize itself as it deems appropriate and may elect other officers
 349 from among its members.~~

350 ~~(e) The committee shall hold meetings at the call of the chairperson; provided, however,~~
 351 ~~that it shall meet at least three times a year. A quorum for transacting business shall be a~~
 352 ~~majority of the members of the committee.~~

353 ~~(f) The committee shall be assigned to the agency for administrative purposes only, as~~
 354 ~~prescribed in Code Section 50-4-3.~~

355 ~~(g) The committee shall have the following duties and responsibilities:~~

356 ~~(1) To make recommendations to the commissioner of the department regarding the~~
 357 ~~recipients of assistance grants provided for under Code Section 46-5-134.2;~~

358 ~~(2) To study and evaluate the state-wide provision of 9-1-1 service;~~

359 ~~(3) To identify any changes necessary to accomplish more effective and efficient 9-1-1~~
 360 ~~service across this state;~~

361 ~~(4) To identify any changes necessary in the assessment and collection of 9-1-1 fees;~~

362 ~~(5) To make recommendations to the agency as to training that should be provided to~~
 363 ~~directors of public safety answering points; and~~

364 ~~(6) To provide an annual report which shall include proposed legislation, if any, to the~~
 365 ~~Governor and the General Assembly by December 1 of each year Reserved.~~"

366 **SECTION 9.**

367 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 368 by revising subsection (b) of Code Section 50-3-13, relating to state flags to honor service
 369 of deceased qualifying public safety officers, as follows:

370 "(b) For purposes of this Code section, a 'qualifying public safety officer' is a peace officer,
 371 as defined in Code Section 35-8-2, sheriff, or firefighter, emergency medical technician,
 372 or emergency management rescue specialist, or emergency management professional, as
 373 each is defined in Code Section 45-9-81, or member of the Georgia National Guard. In
 374 addition, 'qualifying public safety officer' is an officer killed in the line of duty or an officer
 375 who has served as a qualifying public safety officer for a period of not less than five years.
 376 A person committing or convicted of a felony or crime of moral turpitude or whose
 377 certification or license to practice as a public safety officer is revoked or terminated shall
 378 not be considered a 'qualifying public safety officer'."

379 **SECTION 10.**

380 This Act shall become effective on July 1, 2012.

381 **SECTION 11.**

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