

House Bill 1017

By: Representatives LaRiccia of the 169<sup>th</sup>, Lott of the 122<sup>nd</sup>, Reeves of the 34<sup>th</sup>, Corbett of the 174<sup>th</sup>, and Belton of the 112<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to  
2 payment of indemnification for death or disability, procedure for making payments, and  
3 appeal, so as to revise when dependents qualify for a payment of indemnification for death  
4 under the Georgia State Indemnification Fund; to provide for related matters; to provide for  
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of  
9 indemnification for death or disability, procedure for making payments, and appeal, is  
10 amended by revising paragraph (3) of subsection (a) as follows:

11 "(3)(A) In the case of death ~~or organic brain damage~~ suffered in the line of duty by a  
12 law enforcement officer, firefighter, emergency medical technician, emergency  
13 management specialist, state highway employee, or prison guard, payment shall be  
14 made to:

15 (i) The ~~the~~ surviving unremarried spouse ~~or;~~

16 (ii) The surviving children who are under the age of 19 or, if a student enrolled in an  
17 institution of postsecondary education at the time of such death, under the age of 24;  
18 or

19 (iii) Individuals not otherwise provided for under this subparagraph who are the  
20 dependents of the spouse or deceased person as shown in ~~his or her~~ the spouse's or  
21 ~~deceased person's~~ most recent tax return ~~or to the legal guardian of the organically~~  
22 ~~brain damaged person.~~

23 (B) In the case of organic brain damage suffered in the line of duty by a law  
24 enforcement officer, firefighter, emergency medical technician, emergency  
25 management specialist, state highway employee, or prison guard, payment shall be  
26 made to the legal guardian of the organically brain damaged person.

27        (C) The surviving unremarried spouse, dependents, or the legal guardian may elect to  
28        receive payment in a lump sum payment of \$150,000.00 paid in equal monthly  
29        installments for five years or a lump sum of such amount reduced to its present value  
30        upon the basis of interest calculated at the rate of 6 percent per annum."

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**SECTION 2.**

33        This Act shall apply to claims regarding any incident giving rise to a death occurring on or  
34        after August 1, 2016.

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**SECTION 3.**

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