

Senate Bill 554

By: Senator Anavitarte of the 31st, Robertson of the 29th and Albers of the 56th

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 Georgia State Indemnification Fund, so as to create a presumption for
3 the qualification for indemnification benefits based on a public safety officer having
4 COVID-19 at the time of death, if certain requirements are met; to provide a definition; to
5 allow applications for indemnification for such circumstances to be made during a certain
6 time period; to authorize the Department of Administrative Services to purchase annuities
7 for certain purposes; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated,
12 relating to Georgia State Indemnification Fund, is amended by revising Code
13 Section 45-9-85, relating to payment of indemnification for death or disability, procedure for
14 making payments, and appeal, as follows:

15 "45-9-85.

16 (a) As used in this Code section, the term:

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(1) 'COVID-19' means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), and any mutation or viral fragments thereof, or any disease or condition caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

~~(1)~~(2) 'Nonroutine stressful or strenuous physical activity' means actions that are not clerical, administrative, or nonmanual in nature.

~~(2)~~(3) 'Public safety officer' means a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard.

~~(3)~~(4) 'Work related activity' means, while in the line of duty:

(A) Engaging in a situation involving nonroutine stressful or strenuous physical activity related to law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison or jail security, disaster relief, or any other emergency response; or

(B) Participating in a training exercise involving nonroutine stressful or strenuous physical activity.

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

(1) In the case of a partial permanent disability suffered in the line of duty by a public safety officer, 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;

(2) In the case of a total permanent disability suffered in the line of duty by a public safety officer, the injured person may elect to receive a payment of \$75,000.00 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;

(3)(A) In the case of death suffered in the line of duty by a public safety officer, payment shall be made to:

(i) The surviving unremarried spouse;

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

(iii) Individuals not otherwise provided for under this subparagraph who are the dependents of the spouse or deceased person as shown in the spouse's or deceased person's most recent tax return.

(B) In the case of organic brain damage suffered in the line of duty by a public safety officer, payment shall be made to the legal guardian of the organically brain damaged person.

(C) The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of \$150,000.00 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. The department shall be authorized to purchase annuities for such payments; or

(4) A heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to qualify such public safety officer under this subsection if the heart attack, stroke, or vascular rupture:

(A) Commenced:

(i) While such public safety officer was performing work related activity;

(ii) While such public safety officer was on duty after performing work related activity; or

(iii) Not later than 24 hours after performing work related activity; and

(B) Directly or proximately resulted in the death or partial or permanent disability of the public safety officer, unless competent medical evidence established that the heart attack, stroke, or vascular rupture was not related to the work related activity or was directly or proximately caused by something other than the mere presence of cardiovascular disease risk factors; and

(5) Unless competent medical evidence establishes that the death of a public safety officer was directly and proximately caused by something other than COVID-19, deaths occurring on or before April 15, 2022, shall be presumed to qualify for indemnification benefits, if:

(A) The public safety officer was diagnosed with COVID-19, or the evidence indicates the officer had COVID-19, within 14 days of such public safety officer's last day of duty;

(B) The evidence indicates that the public safety officer had COVID-19 or complications therefrom at the time of death; and

(C) The qualifications of subparagraph (A) of paragraph (3) of this subsection regarding eligible recipients are met; provided, however, that a death for which an indemnification benefit under the Georgia State Indemnification Fund has already been paid shall not qualify under this paragraph for indemnification benefits to be paid to such recipients.

(c) After the department, or the commissioner or his or her designee upon review of a denial by the department, determines that a public safety officer has suffered a total permanent disability, a partial permanent disability, organic brain damage, or death in the line of duty, the department shall be authorized to make the appropriate payments as provided in subsection (b) of this Code section.

(d) If the department denies a claim, any person seeking benefits pursuant to this part may appeal the department's decision to the commissioner or his or her designee. Any such appeal shall be filed with the commissioner or his or her designee within 60 days of receipt of the department's decision and shall identify the errors in the department's decision. Appeals shall be considered by the commissioner or his or her designee as provided in Code Section 45-9-84."

SECTION 2.

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

"45-9-86.

(a) As used in this Code section, the term 'public safety officer' shall have the same meaning as provided in Code Section 45-9-85.

(b) An application for indemnification with respect to a claim for total permanent disability or partial permanent disability of a public safety officer shall be submitted by that person unless the person is mentally incompetent, in which case the application may be made on such person's behalf by his or her legal guardian.

(c) An application for indemnification with respect to a claim for the death of a public ~~service~~ safety officer shall be submitted by or on behalf of the surviving unremarried spouse or dependents eligible under this part.

(d) Except as provided in subsection (e) of this Code section, an ~~An~~ application for indemnification with respect to death, organic brain damage, total permanent disability, or partial permanent disability must be made within 24 months after the date of the incident giving rise to the death, organic brain damage, or disability.

(e) An application for indemnification with respect to death pursuant to paragraph (5) of subsection (b) of Code Section 45-9-85 must be made between the effective date of this Code section and August 1, 2024. No indemnification claim for death pursuant to paragraph (5) of subsection (b) of Code Section 45-9-85 shall be paid for an application that is not made between the effective date of this Code section and August 1, 2024."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 4.

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