

Senate Bill 56

By: Senators Anavitarte of the 31st, Albers of the 56th, Robertson of the 29th, Kennedy of the 18th, Gooch of the 51st and others

AS PASSED SENATE

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 authorize the Department
3 of Administrative Services to purchase annuities for the payment of indemnification claims;
4 to provide for qualification standards for indemnification claims relating to certain deaths of
5 public safety officers related to COVID-19; to provide for timing requirements for
6 application of such indemnification claims; to provide for definitions; to provide for
7 conforming changes; to provide for related matters; to repeal conflicting laws; and for other
8 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:

(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~~ part as follows:

(1) In the case of a partial permanent disability suffered ~~in the line of duty~~ by a public safety officer while in the line of duty, the eligible disabled person may elect to receive a 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 while in the line of duty, the ~~injured~~ eligible disabled 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 while in the line of duty, 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 while in the line of duty, payment shall be made to the legal guardian of the organically brain damaged person.

(C) The surviving unremarried spouse, dependents, or the legal guardian who qualified for indemnification payment pursuant to this paragraph may elect to receive a 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; ~~or~~.

(c)(1) After the department, or the commission upon review of a denial by the department, determines that a public safety officer suffered a total permanent disability, a partial permanent disability, organic brain damage, or death while in the line of duty, the department shall be authorized to make the appropriate payments as provided in subsection (b) of this Code section. The department shall be authorized to purchase annuities to fund payments issued pursuant to this part.

(2) The department shall consider a 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~~ to have occurred while in the line of duty 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.

(3) Unless competent medical evidence establishes that the death of a public safety officer was directly or proximately caused by something other than COVID-19, the department shall consider the death of a public safety officer related to COVID-19 that occurred on or before April 15, 2022, to have occurred while in the line of duty if:

(A) The public safety officer was diagnosed with COVID-19, or 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) No indemnification claim has been paid by the department pursuant to this part.

~~(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

97 of the department's decision and shall identify the errors in the department's decision.
98 Appeals shall be considered by the commissioner or his or her designee as provided in
99 Code Section 45-9-84."

100 **SECTION 2.**

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

103 "45-9-86.

104 (a) As used in this Code section, the ~~term~~ terms 'COVID-19' and 'public safety officer'
105 shall have the same ~~meaning~~ meanings as provided in Code Section 45-9-85.

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

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

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

117 (e) An application for indemnification with respect to a claim for the death of a public
118 safety officer related to COVID-19 that occurred on or before April 15, 2022, shall be
119 submitted between the effective date of this Code section and August 1, 2025. No
120 indemnification claim for the death of a public safety officer related to COVID-19 that
121 occurred on or before April 15, 2022, shall be paid for an application not properly
122 submitted between the effective date of this Code section and August 1, 2025."

SECTION 3.

Said part is further amended by revising Code Section 45-9-88, relating to indemnification not to be awarded when penal violation, suicide, intentionally self-inflicted injuries, natural causes, or performance of certain routine duties caused or contributed to death or disability, as follows:

"45-9-88.

(a) No indemnification shall be awarded to any person otherwise entitled thereto who violates a penal law of this state which violation caused or contributed to the death or disability of the officer.

(b) Notwithstanding any other provision of this ~~article~~ part, no payment shall be authorized if death, organic brain damage, total permanent disability, or partial permanent disability occurs from suicide, intentionally self-inflicted injuries, natural causes, or the performance of routine duties which would not be considered strenuous or dangerous by a reasonable person, except as provided for in subsection ~~(b)~~ (c) of Code Section 45-9-85."

SECTION 4.

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