

## HB435 INTRODUCED



1 HB435  
2 9XKUMPM-1  
3 By Representatives Oliver, Sorrells, Brown, Smith, Wood (D),  
4 Rehm, Whorton, Wadsworth, Stringer, Woods, Kirkland, Colvin,  
5 Stadthagen, Ellis, Estes, Brinyark, Shaw  
6 RFD: Ways and Means General Fund  
7 First Read: 09-Apr-24



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SYNOPSIS:

Under existing law, when a first responder, including a law enforcement officer, firefighter, rescue squad member, or emergency medical services personnel, is killed in the line of duty, his or her beneficiaries are eligible to receive certain state death benefits.

Under existing law, the beneficiaries of a coroner, deputy coroner, medicolegal death investigator, or medical examiner are not eligible to receive the state death benefits.

This bill would provide the state death benefits to those beneficiaries in the same manner as the beneficiaries of deceased first responders who die in the performance of official duties.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to public officers and employees; to amend Sections 36-30-1 and 36-30-2, Code of Alabama 1975, to provide certain state death benefits to the beneficiaries of coroners, deputy coroners, medicolegal death investigators, and medical



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29 examiners who die in the performance of official duties.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 36-30-1 and 36-30-2, Code of  
32 Alabama 1975, are amended to read as follows:

33 "§36-30-1

34 (a) For the purposes of this chapter, the following  
35 words and phrases shall have the following meanings:

36 (1) AWARDING AUTHORITY. The State Board of Adjustment,  
37 created and existing pursuant to Article 4, Chapter 9 of Title  
38 41.

39 (2) COMPENSATION. The money benefits paid on account of  
40 injury or death that occurred during the course of employment  
41 or activity as a peace officer~~or~~, firefighter, or other first  
42 responder and is in the nature of workers' compensation.

43 (3) COVID-19. Coronavirus disease 2019, for which the  
44 Governor declared a public health emergency on March 13, 2020,  
45 or any mutation or variant thereof that is declared a public  
46 health emergency under the Emergency Management Act.

47 (4) DEPENDENT CHILD. An unmarried child under the age  
48 of ~~18~~ 19 years, or one over the age of ~~18~~ 19 who is physically  
49 or mentally incapacitated from earning.

50 (5) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK OR  
51 STROKE. Death resulting from a heart attack or stroke caused  
52 by engaging or participating in a situation while on duty  
53 involving nonroutine stressful or strenuous physical law  
54 enforcement, fire suppression, rescue, hazardous material  
55 response, emergency medical service, prison security, disaster  
56 relief, other emergency medical response activity,



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57 investigation of death, or participation in a training  
58 exercise that involved nonroutine stressful or strenuous  
59 physical activity; and the heart attack or stroke is suffered  
60 while still on that duty after so engaging or participating or  
61 not more than 24 hours after so engaging or participating.

62 (6) EMERGENCY MEDICAL SERVICES PERSONNEL (EMSP).  
63 Emergency medical services personnel, as defined under Section  
64 22-18-1, that are employed by the state or a county or  
65 municipality thereof.

66 (7) FIREFIGHTER or FIREFIGHTERS. A member or members of  
67 a paid or volunteer fire department of a city, town, county,  
68 or other subdivision of the state or of a public corporation  
69 organized for the purpose of providing water, water systems,  
70 fire protection services, or fire protection facilities in the  
71 state; and shall include the chief, assistant chief, wardens,  
72 engineers, captains, firefighters, and all other officers and  
73 employees of such departments who actually engage in fire  
74 fighting or in rendering first aid in case of drownings or  
75 asphyxiation at the scene of action. The term also includes a  
76 firefighter who is employed by the Alabama Forestry Commission  
77 and who has been certified by the State Forester as having met  
78 the wildland firefighter training standards of the National  
79 Wildfire Coordinating Group.

80 (8) FIRST RESPONDER. The term includes firefighters,  
81 peace officers, rescue squad members, ~~and~~ emergency medical  
82 services personnel, coroners, deputy coroners, medicolegal  
83 death investigators, and medical examiners.

84 (9) PEACE OFFICER. All sheriffs, deputy sheriffs,



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85 constables, municipal police officers, state and town  
86 marshals, members of the highway patrol, state troopers,  
87 Alcoholic Beverage Control Board Enforcement Division agents,  
88 enforcement officers of the Public Service Commission, revenue  
89 agents, and persons who are required by law to comply with the  
90 provisions of the Peace Officers' Minimum Standards, employees  
91 of the Board of Corrections, highway camp guards, law  
92 enforcement officers of the Department of Conservation and  
93 Natural Resources, all law enforcement officers of the Alabama  
94 Forestry Commission, livestock theft investigators of the  
95 Department of Agriculture and Industries, Capitol security  
96 guards, narcotic agents and inspectors of the State Board of  
97 Health, any other state, county, or municipal officer engaged  
98 in quelling a riot, or civil disturbance, and university  
99 police officers.

100 (10) RESCUE SQUAD MEMBER. A member of an organized  
101 rescue squad of a city, town, county, or other subdivision of  
102 the state or of a public corporation, organized for the  
103 purpose of providing, within the scope of his or her practice:  
104 First aid, treatment, or transport of the sick or injured;  
105 rescue or recovery operations at incidents of drowning; search  
106 and rescue of individuals lost or incapable of self rescue; or  
107 any other emergency or non-emergency incident where the  
108 services provided by the rescue squad are deemed necessary for  
109 incident stabilization. The term includes all commanders,  
110 officers, and members of organized rescue squads that are  
111 members of the Alabama Association of Rescue Squads.

112 (b) For the purposes of this chapter, the following



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113 described individuals shall be conclusively presumed to be  
114 wholly dependent:

115 (1) Spouse, unless it be shown that the spouse was  
116 voluntarily living apart from the first responder at the time  
117 of death, or unless it be shown that the first responder was  
118 not in any way contributing to the spouse's support and had  
119 not in any way contributed to the spouse's support for more  
120 than 12 months next preceding the occurrence of the injury  
121 causing death.

122 (2) Minor children under the age of 19 years and those  
123 19 years or more if physically and mentally incapacitated from  
124 earning.

125 (3) Spouse, child, mother, father, grandmother,  
126 grandfather, sister, brother, mother-in-law, and father-in-law  
127 who were wholly supported by a deceased first responder at the  
128 time of his or her death and for a reasonable period of time  
129 prior thereto shall be considered his or her dependents and  
130 payment of compensation may be made to them as hereinafter  
131 authorized.

132 (c) If a first responder dies in a manner described in  
133 Section 36-30-2 and there are no designated beneficiaries,  
134 then the compensation shall be paid to his or her dependents  
135 or partial dependents in the manner prescribed by Section  
136 36-30-3, and if there are none, the compensation shall be paid  
137 to his or her non-dependent children, and if there are none,  
138 the compensation shall be paid to his or her parents, and if  
139 there are none, the compensation shall be paid to the estate  
140 of the deceased.



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141 (d) Any member of the class named in subdivision (b) (3)  
142 who regularly derived part of his or her support from the  
143 earnings of the deceased first responder, as the case may be,  
144 at the time of his or her death and for a reasonable time  
145 immediately prior thereto shall be considered his or her  
146 partial dependent and payment of compensation may be made to  
147 the partial dependent as hereinafter authorized."

148 "§36-30-2

149 (a) (1) a. In the event a first responder is killed,  
150 either accidentally or deliberately; or dies as a result of  
151 injuries received while engaged in the performance of his or  
152 her duties; or dies as a direct and proximate result of a  
153 heart attack or stroke; or within 14 calendar days after being  
154 required to report to his or her usual place of employment, he  
155 or she contracts COVID-19 between March 13, 2020, and December  
156 31, 2022, as confirmed by a positive test or diagnosis by a  
157 licensed medical professional, and dies as a result of  
158 COVID-19 or complications therefrom, his or her beneficiaries  
159 or dependents shall be entitled to compensation in the amount  
160 of one hundred thousand dollars (\$100,000) to be paid from the  
161 State Treasury as provided in Section 36-30-3.

162 b. This subsection does not apply if the first  
163 responder's death was caused by the willful misconduct of the  
164 first responder; ~~or was due to~~ his or her own intoxication; ~~or~~  
165 his or her willful failure or refusal to use safety appliances  
166 provided by his or her employer; ~~or~~ his or her willful refusal  
167 or neglect to perform a statutory duty or any other willful  
168 violation of a law; or his or her willful breach of a



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169 reasonable rule or regulation governing the performance of his  
170 or her duties or his or her employment of which rule or  
171 regulation he or she had knowledge.

172 c. Notwithstanding the foregoing, for purposes of  
173 deaths caused by COVID-19, the dependents or beneficiaries of  
174 the deceased first responder shall be entitled to the  
175 compensation described in paragraph (a)(1)a. regardless of the  
176 first responder's vaccination status against COVID-19, and  
177 regardless of whether the first responder regularly wore masks  
178 or other filtration devices in the performance of his or her  
179 duties.

180 (2) Any first responder whose death results proximately  
181 from an injury received while performing his or her duties,  
182 for the purposes of this article, shall be deemed to have been  
183 killed while in the performance of such duties.

184 (3) A volunteer firefighter or a member of an organized  
185 rescue squad who dies of cardiac arrest, cerebrovascular  
186 accident, or pulmonary edema within 24 hours after preparing  
187 to respond to a called emergency or responding to an  
188 emergency; or after serving in his or her capacity at an  
189 emergency; or after participating in a required physical  
190 training exercise shall be presumed to have died in the  
191 performance of his or her duties.

192 (4)a. If the State Health Officer determines from all  
193 available evidence that a volunteer firefighter, who is a  
194 member of an organized volunteer fire department registered  
195 with the Alabama Forestry Commission, has become totally  
196 disabled as a result of any injury received while engaged in



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197 the performance of his or her fire-fighting duties and the  
198 disability is likely to continue for more than 12 months from  
199 the date the injury is incurred, then the firefighter shall be  
200 entitled to receive disability compensation in the amount of  
201 one hundred thousand dollars (\$100,000) to be paid from the  
202 State Treasury as provided in Section 36-30-3.

203 b. The term "total disability" shall be interpreted to  
204 mean that the injured party is medically disabled to the  
205 extent that he or she cannot perform the duties of the job  
206 occupation or profession in which he or she was engaging at  
207 the time the injury was sustained.

208 c. The State Health Officer may seek the assistance of  
209 any state agency in making the determination of disability and  
210 the state agencies shall cooperate with the State Health  
211 Officer in such regard.

212 d. The State Health Officer shall render a decision  
213 within 30 days of the time a claim is filed.

214 e. If a volunteer firefighter disagrees with any  
215 officer, he or she may appeal the determination to the State  
216 Board of Adjustment in accordance with such board's procedures  
217 for such appeals.

218 (b) Beginning in calendar year 2009, the compensation  
219 amounts payable under this section shall be adjusted on  
220 January 1 of each year to reflect any increase during the  
221 preceding calendar year in the consumer price index as  
222 published by the U.S. Department of Labor, Bureau of Labor  
223 Statistics. The adjustment shall equal the percentage change  
224 in the consumer price index during the preceding calendar



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225 year.

226 (c) Any person who currently serves or previously  
227 served as a firefighter, ~~or~~ law enforcement officer, or other  
228 first responder who dies as a result of a firefighter's  
229 occupational disease as defined in Section 11-43-144 or  
230 36-30-40, or law enforcement officer's occupational disease as  
231 defined in Section 36-30-20 shall be qualified for a state  
232 death benefit as provided in subsection (a) as if the person  
233 died in the performance of his or her duties, provided he or  
234 she satisfies the three years' service requirement and  
235 physical examination requirements set forth in Section  
236 11-43-144, 36-30-22, or 36-30-41, respectively.

237 (d) Any application for the state death benefit that  
238 was submitted during the period from April 29, 2010, until May  
239 27, 2015, and denied because the firefighter, ~~or~~ law  
240 enforcement officer, or other first responder was no longer  
241 employed on the date of death may be resubmitted based on  
242 subsection (c) within six months of May 27, 2015, and  
243 reconsidered and granted by the awarding authority.

244 (e) The provisions of this section as amended by Act  
245 2021-488 shall be retroactive to any death covered by this  
246 chapter as amended after January 1, 2019.

247 (f) The provisions of this section as amended by Act  
248 2022-437 shall be retroactive to any death caused by COVID-19  
249 covered by this chapter as amended between March 13, 2020, and  
250 December 31, 2022."

251 Section 2. This act shall become effective on October  
252 1, 2024.