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# PUBLIC OFFICERS AND EMPLOYEES Insuring and Indemnification of Public Officers and Employees; Provide Compensation for Law Enforcement Officers Who Become Temporarily Physically Disabled

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## PUBLIC OFFICERS AND EMPLOYEES

### *Insuring and Indemnification of Public Officers and Employees: Provide Compensation for Law Enforcement Officers Who Become Temporarily Physically Disabled*

**CODE SECTIONS:** O.C.G.A. §§ 45-9-80 to -91 (amended),  
45-9-101 to -106 (new)

**BILL NUMBER:** SB 377

**ACT NUMBER:** 498

**GEORGIA LAWS:** 2000 Ga. Laws 283

**SUMMARY:** The Act adds several sections to the Georgia Code and provides a program of compensation for law enforcement officers who become temporarily physically disabled as a result of physical injury incurred in the line of duty and caused by a willful act of violence. The new Code sections also provide a program of compensation for firemen who become temporarily physically disabled as a result of a physical injury incurred in the line of duty while fighting a fire.

**EFFECTIVE DATE:** July 1, 2001<sup>1</sup>

### *History*

The purpose behind SB 377 was to give due recognition to the inherently dangerous jobs that firefighters and law enforcement officers perform while serving the public.<sup>2</sup> SB 377 was also designed to express appreciation for their service and their protection.<sup>3</sup>

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1. See 2000 Ga. Laws 283, § 3, at 288. The Act took effect upon ratification by the Georgia voters in the November 2000 general election. *See id.*

2. See Audio Recording of Senate Proceedings, Feb. 8, 2000 (remarks by Sen. Greg Hecht) <<http://www.ganet.org/services/leg/audio/2000archive.html>>.

3. *See id.*

*SB 377*

Senators Greg Hecht, David Scott, Rene' Kemp, and Michael Meyer von Bremen, of the 34th, 36th, 3rd, and 12th Districts, respectively, sponsored SB 377.<sup>4</sup> The bill was introduced on the Senate floor on January 27, 2000.<sup>5</sup> The Senate assigned the bill to its Judiciary Committee, which favorably reported the bill, as amended, on February 3, 2000.<sup>6</sup> The Judiciary Committee amended the bill to provide that any benefits available under Code section 45-9-103 be subordinate to any workers' compensation benefits, disability, and other compensation benefits that the law enforcement officer or fireman receives from his employer.<sup>7</sup> The bill moved to the Senate floor, where the Senate adopted the Committee amendment, adopted a floor amendment, and passed the bill on February 8, 2000.<sup>8</sup> The Senate floor amendment provided that the term "law enforcement officer," as defined in Code section 45-9-102, includes prison guards, as defined under Code section 45-9-81.<sup>9</sup> The Senate then referred the bill to the House on February 9, 2000.<sup>10</sup>

The House Public Safety Committee favorably reported SB 377 to the House on February 29, 2000, and the House passed the bill on March 15, 2000.<sup>11</sup> The General Assembly sent the bill to Governor Roy Barnes, who signed the bill into law on April 12, 2000.<sup>12</sup>

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4. *See* SB 377, as introduced, 2000 Ga. Gen. Assem.

5. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

6. *See id.*

7. *Compare* SB 377, as introduced, 2000 Ga. Gen. Assem., *with* SB 377 (SCA), 2000 Ga. Gen. Assem.

8. *See* Georgia Senate Voting Record, SB 377 (Feb. 8, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

9. *Compare* SB 377 (SCA), 2000 Ga. Gen. Assem., *with* SB 377 (SFA), 2000 Ga. Gen. Assem.

10. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

11. *See* Georgia House of Representatives Voting Record, SB 377 (Mar. 15, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

12. *See* 2000 Ga. Laws 283, § 4, at 288.

*The Act*

The Act amends Code sections 45-9-80 to -91 by replacing the word "article" with the word "part."<sup>13</sup> The Act further adds new Code sections 45-9-101 to -106 relating to law enforcement officers, firemen, prison guards, and publicly employed emergency medical technicians.<sup>14</sup>

Code section 45-9-101 implements the program providing compensation for law enforcement officers and firemen who become temporarily physically disabled in the line of duty.<sup>15</sup> This compensatory program provides such persons with monthly compensation equal to the person's regular compensation for the time the law enforcement officer or fireman is physically unable to perform his duties, not to exceed twelve months.<sup>16</sup>

Code section 45-9-102 defines the terms 'commission,' 'fireman,' 'full-time,' 'in the line of duty,' 'injured in the line of duty,' and 'law enforcement officer.'<sup>17</sup> Code section 45-9-103 provides that any law enforcement officer or fireman who becomes temporarily physically disabled in the line of duty will be entitled to receive compensation from the Georgia State Indemnification Commission.<sup>18</sup> Law enforcement officials and firemen who provide satisfactory evidence of disability will receive monthly compensation equal to their regular compensation as long as they are unable to perform their duties, but no longer than twelve months.<sup>19</sup> Any benefits received under this Code section are subordinate to workers' compensation benefits, disability, and any other compensation that the injured officer or fireman may receive.<sup>20</sup> Thus, the benefits provided by the Act are limited to the difference between any workers' compensation benefits or other compensation benefits paid and the amount of the officer's or

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13. *Compare, e.g.*, 1995 Ga. Laws 877, § 2, at 878 (formerly found at O.C.G.A. § 45-9-84.3 (Supp. 1999)), *with* O.C.G.A. § 45-9-84.3 (Supp. 2000).

14. *See* O.C.G.A. §§ 45-9-101 to -106 (Supp. 2000).

15. *See id.* § 45-9-101.

16. *See id.*

17. *See id.* § 45-9-102.

18. *See id.* § 45-9-103(a).

19. *See id.* § 45-9-103(b).

20. *See id.* § 45-9-103(c).

fireman's regular salary.<sup>21</sup> If a law enforcement officer or fireman receives benefits under Code section 45-9-103, that individual is precluded from receiving benefits under Code section 45-7-9.<sup>22</sup>

Code section 45-9-104 provides that any person who files a claim for disability compensation on or after July 1, 2001, must submit his or her claim within thirty days from the date of the accident.<sup>23</sup> The Georgia State Indemnification Commission is authorized to regulate the compensation program and may initiate an initial investigation of the claim.<sup>24</sup> Code section 45-9-105 provides that any person who causes or contributes to the disability of a law enforcement officer or fireman must not be awarded any compensation.<sup>25</sup> Code section 45-9-106 further provides that any person who knowingly gives false information in order to receive compensation under this Code section shall be guilty of a misdemeanor.<sup>26</sup>

Finally, Section 3 of the Act provides that this Act will take effect on July 1, 2001, if at the 2000 November general election Georgia voters ratify the proposed amendment to Article III, Section 6 of the Georgia Constitution, which would authorize the General Assembly to pass this legislation.<sup>27</sup> Voters ratified the constitutional amendment at the election, thus authorizing the General Assembly to pass this legislation; the Act will take effect on July 1, 2001.<sup>28</sup>

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21. *See id.*

22. *See id.* § 45-9-103(d).

23. *See id.* § 45-9-104(a).

24. *See id.* § 45-9-104(b).

25. *See id.* § 45-9-105.

26. *See id.* § 45-9-106.

27. *See* 2000 Ga. Laws 283, § 3, at 288.

28. *See* Georgia Unofficial Election Results (visited Nov. 12, 2000) <[http://www.sos.state.ga.us/elections/results/2000\\_1107/judicial.htm#QA](http://www.sos.state.ga.us/elections/results/2000_1107/judicial.htm#QA)>.