

Senate Bill 119

By: Senators Thompson of the 5th, McKoon of the 29th, Jones of the 10th, Mullis of the 53rd and Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the Georgia State Indemnification Fund, so as to provide for a short
3 title; to provide that delayed death from a condition which causes a total permanent disability
4 shall be deemed to have been in the line of duty; to provide for disabilities for firefighters
5 due to certain conditions contracted in the line of duty; to provide for a rebuttable
6 presumption; to provide for exceptions; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Stevenson-Gibson Act."

10 **SECTION 2.**

11 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions
12 relative to the Georgia State Indemnification Fund, is amended by revising subparagraph (C)
13 of paragraph (6) as follows:

14 "(C) With respect to a law enforcement officer or firefighter, while on duty and
15 performing services for and receiving compensation from the law enforcement and fire
16 service agency which employs such officer or firefighter, while off duty when
17 responding to any situation which would save a life or preserve the peace, or while
18 preventing or attempting to prevent the commission of a crime or fire; provided,
19 however, that a delayed death caused by a condition which resulted in a total permanent
20 disability as defined in paragraph (12) of this Code section shall be deemed to have
21 been in the line of duty. A law enforcement officer or firefighter who is performing
22 duties for and receiving compensation from a private employer at the time of such
23 officer's or firefighter's death or bodily injury causing total permanent disability or
24 partial permanent disability shall not be considered in the line of duty if the officer or

25 firefighter is entitled to workers' compensation benefits from the private employer or
26 the private employer's insurer;"

27 **SECTION 3.**

28 Said Code section is further amended by revising paragraph (12) as follows:

29 "(12) 'Total permanent disability' means disability due to:

30 (A) Loss of both eyes or blindness in both eyes with only light perception;

31 (B) Loss or loss of use of both hands;

32 (C) Loss or loss of use of both legs;

33 (D) Loss of a lower extremity or the residual effect of an organic disease or injury
34 which so affects the functions of balance or propulsion as to preclude locomotion
35 without resort to a wheelchair at all times; or

36 (E) Organic brain damage; or

37 (F) With respect to a firefighter who has been engaged either as a volunteer or as an
38 employee by a governmental entity for an aggregate of at least five years, the inability
39 to perform normal duties as a firefighter because of pulmonary injury, lung disease,
40 HIV/AIDS, meningitis, mesothelioma, or hepatitis. For purposes of this paragraph,
41 there shall be a rebuttable presumption that any of the enumerated conditions were
42 contracted in the line of duty; provided, however, that if the disabled firefighter used
43 any tobacco product within five years of the onset of the disability or if the condition
44 existed at the time he or she first became employed, there shall be no such rebuttable
45 presumption."

46 **SECTION 4.**

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