

FIRST REGULAR SESSION

HOUSE BILL NO. 551

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEMPSEY (Sponsor), AVERY, CORCORAN, NORR,
WILDBERGER, PORTWOOD, SILVEY, TALBOY, SCHNEIDER, BRUNS, HARRIS (23), ROORDA,
SUTHERLAND, VIEBROCK AND ST. ONGE.

Read 1st time January 24, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1504L.011

AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to compensation to public safety workers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 287, RSMo, is amended by adding thereto one new section, to be known as section 287.995, to read as follows:

287.995. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, RSMo, and by rules adopted by the department of health and senior services under sections 190.001 to 190.245, RSMo;

(2) "Firefighter", any person employed by the state or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firefighters;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (3) "Killed in the line of duty", losing one's life as a result of injury received in the
14 active performance of duties as a law enforcement officer, emergency medical technician,
15 paramedic, or firefighter, if the death occurs within one year from the date the injury was
16 received and if that injury arose from violence or other accidental cause. The term
17 excludes death resulting from the willful misconduct or intoxication of the officer,
18 emergency medical technician, paramedic, or firefighter. The burden of proof of such
19 willful misconduct or intoxication of the officer, emergency medical technician, paramedic,
20 or firefighter is on the attorney general. Subject to the conditions set forth in subdivision
21 (5) of this subsection with respect to inclusion of the department of corrections employees
22 and juvenile justice authorities described in that subdivision, for the purposes of this
23 section, instances in which a law enforcement officer receives an injury in the active
24 performance of duties as a law enforcement officer include but are not limited to instances
25 when:

26 (a) The injury is received as a result of a willful act of violence committed other
27 than by the officer and a relationship exists between the commission of such act and the
28 officer's performance of his or her duties as a law enforcement officer, regardless of
29 whether the injury is received while the officer is on duty as a law enforcement officer;

30 (b) The injury is received by the officer while the officer is attempting to prevent
31 the commission of a criminal act by another or attempting to apprehend an individual the
32 officer suspects has committed a crime, regardless of whether the injury is received while
33 the officer is on duty as a law enforcement officer;

34 (c) The injury is received by the officer while the officer is traveling to or from his
35 or her employment as a law enforcement officer or during any meal break, or other break,
36 which takes place during the period in which the officer is on duty as a law enforcement
37 officer;

38 (4) "Law enforcement officer" or "officer", any person employed by the state or
39 local governmental entity as a policeman, peace officer, auxiliary policeman or in some like
40 position involving the enforcement of the law and protection of the public interest at the
41 risk of that person's life, including supervisors, wardens, superintendents and their
42 assistants, guards and keepers, correctional officers, youth supervisors, parole agents,
43 school teachers and correctional counselors in all facilities of both the department of
44 corrections and juvenile justice authorities, while within the facilities under the control of
45 the department of corrections or juvenile justice authorities or in the act of transporting
46 inmates from one location to another or while performing their official duties, and all other
47 department of correction or juvenile justice authorities employees who have daily contact
48 with inmates. The death of the foregoing employees of the department of corrections or

49 juvenile justice authorities in order to be included shall be by the direct or indirect willful
50 act of an inmate, work releasee, parolee, parole violator, person under conditional release,
51 or any person sentenced or committed, or otherwise subject to confinement in or to the
52 department of corrections or juvenile justice authorities;

53 (5) "Local governmental entity", includes counties, municipalities, and municipal
54 corporations;

55 (6) "Paramedic", an emergency medical technician paramedic certified by the
56 department of health and senior services of the state of Missouri;

57 (7) "State", the state of Missouri and its departments, divisions, boards, bureaus,
58 commissions, authorities and colleges and universities;

59 (8) "Volunteer firefighter", a person having principal employment other than as
60 a firefighter, but who is carried on the rolls of a regularly constituted fire department
61 either for the purpose of the prevention or control of fire or the underwater recovery of
62 drowning victims, the members of which are under the jurisdiction of the corporate
63 authorities of a city, village, incorporated town, or fire protection district. Volunteer
64 firefighter shall not mean an individual who volunteers assistance without being regularly
65 enrolled as a firefighter.

66 3. (1) If a claim is made within one year of the date of death of a law enforcement
67 officer, emergency medical technician, paramedic, or firefighter killed in the line of duty,
68 compensation shall be paid by the division of workers' compensation to the person
69 designated by the law enforcement officer, emergency medical technician, paramedic, or
70 firefighter.

71 (2) The amount of compensation shall be one hundred thousand dollars, subject to
72 appropriations, for death occurring on or after January 1, 2009.

73 4. If there is no beneficiary designated or if no designated beneficiary survives at
74 the death of the law enforcement officer, emergency medical technician, paramedic, or
75 firefighter killed in the line of duty, no compensation shall be payable under this section.

76 5. No part of such compensation may be paid to any other person for any efforts
77 in securing such compensation.

78 6. A burial benefit of up to a maximum of ten thousand dollars shall be payable to
79 the surviving spouse or estate of a law enforcement officer or firefighter who is killed in
80 the line of duty on or after the effective date of this section. The attorney general and an
81 appropriate court with jurisdiction may jointly adopt rules and procedures for the
82 implementation of this section.

83 **7. Notwithstanding subsections 3 and 4 of this section, no compensation is payable**
84 **under this section unless a claim is filed within the time specified under this section setting**
85 **forth:**

86 **(1) The name, address, and title or designation of the position in which the officer,**
87 **emergency medical technician, paramedic, or firefighter was serving at the time of his or**
88 **her death;**

89 **(2) The names and addresses of person or persons designated by the officer,**
90 **emergency medical technician, paramedic, or firefighter to receive the compensation and,**
91 **or if there has been no such designation, the name and address of the personal**
92 **representative of the estate of the officer, emergency medical technician, paramedic, or**
93 **firefighter;**

94 **(3) A full, factual account of the circumstances resulting in or the course of events**
95 **causing the death of the officer, emergency medical technician, paramedic, or firefighter;**
96 **and**

97 **(4) Such other information that is reasonably required.**

98

99 **When a claim is filed, the attorney general shall make an investigation for substantiation**
100 **of matters set forth in the application.**

101 **8. The compensation provided for under this section is in addition to, and not**
102 **exclusive of, any pension rights, death benefits, or other compensation otherwise payable**
103 **by law.**

104 **9. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

105 **(1) The provisions of the new program authorized under this section shall**
106 **automatically sunset 6 years after the effective date of this section unless reauthorized by**
107 **an act of the general assembly; and**

108 **(2) If such program is reauthorized, the program authorized under this section**
109 **shall automatically sunset 12 years after the effective date of the reauthorization of this**
110 **section; and**

111 **(3) This section shall terminate on September first of the calendar year immediately**
112 **following the calendar year in which the program authorized under this section is sunset.**

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