

House Bill 105 (AS PASSED HOUSE AND SENATE)

By: Representatives Wade of the 9<sup>th</sup>, Gambill of the 15<sup>th</sup>, Hong of the 103<sup>rd</sup>, McDonald III of the 26<sup>th</sup>, Erwin of the 32<sup>nd</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,  
2 relating to general provisions of workers' compensation, so as to require the State Board of  
3 Workers' Compensation to notify the Department of Administrative Services when the board  
4 has reasonable cause to believe that an injured worker is an eligible peace officer; to provide  
5 for a definition; to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated,  
6 relating to general provisions of law enforcement officers and agencies, so as to require a  
7 certain notification to certain peace officers who become disabled in the line of duty under  
8 certain circumstances; to provide for a definition; to amend Code Section 45-9-78 of the  
9 Official Code of Georgia Annotated, relating to payment of indemnification for death or  
10 disability generally, designation of method of payment, and procedure for making payments,  
11 so as to increase the indemnification award of certain state public school personnel in the  
12 event of death; to provide for a short title; to provide for related matters; to provide for an  
13 effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 This Act shall be known and may be cited as the "Daniel D. Podsiadly, Jr. Act."

**SECTION 2.**

Article 1 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions of workers' compensation, is amended by adding a new Code section to read as follows:

"34-9-26.

(a) As used in this Code section, the term 'eligible peace officer' means any individual who is employed on a full-time or part-time basis by the state or any municipality, county, or other political subdivision thereof; who is required by the terms of such employment, whether by election or appointment, to maintain public order or to make arrests for all criminal offenses; who is required by the terms of such employment to comply with the requirements of the 'Georgia Peace Officer Standards and Training Act' contained in Chapter 8 of Title 35; and who suffers permanent or temporary disability in the line of duty due to a direct interaction with a criminal suspect, arrestee, or inmate.

(b) In the event that the State Board of Workers' Compensation has reasonable cause to believe that an injured employee is an eligible peace officer, the board shall notify the Department of Administrative Services. Additionally, the board shall notify the injured employee of such belief and such notification shall include such appropriate contact information of the Georgia State Indemnification Fund and the temporary disability compensation program of Parts 1 and 2, respectively, of Article 5 of Chapter 9 of Title 45 and other information as shall be determined necessary by the Department of Administrative Services through the promulgation of rules and regulations."

**SECTION 3.**

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions of law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

42 "35-1-24.

43 (a) As used in this Code section, the term 'eligible peace officer' means any individual who  
44 is employed on a full-time or part-time basis by the state or any municipality, county, or  
45 other political subdivision thereof; who is required by the terms of such employment,  
46 whether by election or appointment, to maintain public order or to make arrests for all  
47 criminal offenses; who is required by the terms of such employment to comply with the  
48 requirements of the 'Georgia Peace Officer Standards and Training Act' contained in  
49 Chapter 8 of this title; and who suffers permanent or temporary disability in the line of duty  
50 due to a direct interaction with a criminal suspect, arrestee, or inmate.

51 (b) Each law enforcement agency of this state shall notify every employee whom such  
52 agency has reasonable cause to believe may be an eligible peace officer of the existence  
53 of the Georgia State Indemnification Fund and the temporary disability compensation  
54 program of Parts 1 and 2, respectively, of Article 5 of Chapter 9 of Title 45. Such  
55 notification shall be given within ten days of such employee suffering an injury which may  
56 reasonably cause such employee to suffer a permanent or temporary disability.  
57 Additionally, such notification shall include such appropriate contact and other information  
58 as shall be determined necessary by the Department of Administrative Services through the  
59 promulgation of rules and regulations."

#### 60 **SECTION 4.**

61 Code Section 45-9-78 of the Official Code of Georgia Annotated, relating to payment of  
62 indemnification for death or disability generally, designation of method of payment, and  
63 procedure for making payments, is amended by revising subsection (b) as follows:

64 "(b) For any compensable claim filed under this article, payment shall be made as follows:

65 (1) In the case of permanent disability, the eligible disabled person pursuant to this  
66 article may elect payment of \$75,000.00 in equal installments over a period of five years

or a payment in lump sum which shall consist of \$75,000.00 reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; and

(2) In the case of death, payment shall be made to the estate of a person who is eligible for indemnification under this article as follows: the executor or administrator may elect payment of ~~\$75,000.00~~ \$150,000.00 in equal installments over a period of five years or a payment in lump sum which shall consist of ~~\$75,000.00~~ \$150,000.00 reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum."

#### **SECTION 5.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### **SECTION 6.**

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