

FIRST REGULAR SESSION

# HOUSE BILL NO. 580

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor), PARSON, FUNDERBURK, JONES (117), ROORDA, WILDBERGER, PRATT, TILLEY, LeVOTA, SCHOELLER, RUZICKA, DAY, LARGENT, LEARA, ALLEN, NIEVES, FRANZ, WILSON (130), DIECKHAUS, WELLS, DENISON, STEVENSON, DUSENBERG, BIERMANN, CALLOWAY, COLONA, HUMMEL, SMITH (150), JONES (89), HOLSMAN, FISCHER (107), GRILL, VIEBROCK, CORCORAN, HOBBS, CUNNINGHAM, WASSON, SMITH (14), LOW, SILVEY, STORCH, OXFORD, KIRKTON, EL-AMIN, CURLS, KOMO, FRAME, SCHOEMEHL, SCHIEFFER, SUTHERLAND, POLLOCK, RUESTMAN, SELF, DOUGHERTY, BIVINS, DIXON, SCHAD, McGHEE, SCHARNHORST, FAITH, NANCE, WITTE, BRINGER, MEINERS, HODGES, KINGERY, BRANDOM, SALVA, NASHEED, FALLERT, AULL, CARTER, McCLANAHAN, BROWN (30), McNEIL, WOOD, WALSH, LAMPE, MUNZLINGER, YATES, NORR, MEADOWS, TALBOY, KUESSNER, YAEGER, CHAPPELLE-NADAL, DIEHL, ENGLUND, WEBB, JONES (63), FLANIGAN, WALTON GRAY AND RIDDLE (Co-sponsors).

1405L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to compensation for public safety workers killed in the line of duty.

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*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 287.243, to read as follows:

**287.243. 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;**

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.

9           (2) **"Firefighter"**, any person, including a volunteer firefighter, employed by the  
10 state or a local governmental entity as an employer defined under subsection 1 of section  
11 287.030, or otherwise serving as, a member or officer of a fire department either for the  
12 purpose of the prevention or control of fire or the underwater recovery of drowning  
13 victims;

14           (3) **"Killed in the line of duty"**, when any individual defined in this section loses  
15 one's life as a result of injury received in the active performance of duties in his or her  
16 respective profession, if the death occurs as a natural and probable consequence of the  
17 injury or disease caused by the accident or violence of another within three hundred weeks  
18 from the date the injury was received and if that injury arose from violence of another or  
19 accidental cause subject to the provisions of this subdivision. The term excludes death  
20 resulting from the willful misconduct or intoxication of the law enforcement officer,  
21 emergency medical technician, paramedic, or firefighter. The division of workers'  
22 compensation shall have the burden of proving such willful misconduct or intoxication.  
23 For firefighters, law enforcement officers, emergency medical technicians, and paramedics,  
24 the death shall be caused as a result or a willful act of violence committed by a person other  
25 than the officer, firefighter, emergency medical technician, or paramedic, and a  
26 relationship exists between the commission of such act and the individual's performance  
27 of his or her duties as a law enforcement officer, firefighter, emergency medical technician,  
28 or paramedic, regardless of whether the injury is received while the individual is on duty;  
29 the injury is received by a law enforcement officer while he or she is attempting to prevent  
30 the commission of a criminal act of another person or attempting to apprehend an  
31 individual suspected of committing a crime, regardless of whether the injury is received  
32 while the individual is on duty as a law enforcement officer; or the injury is received by the  
33 individual while traveling to or from his or her employment or during any meal break, or  
34 other break, which takes place during the period in which the law enforcement officer,  
35 firefighter, emergency medical technician, or paramedic is on duty;

36           (4) **"Law enforcement officer" or "officer"**, any person employed by the state or  
37 a local governmental entity as a police officer, peace officer certified under chapter 590,  
38 RSMo, or serving as an auxiliary police officer or in some like position involving the  
39 enforcement of the law and protection of the public interest at the risk of that person's life;

40           (5) **"Local governmental entity"**, includes counties, municipalities, townships,  
41 board or other political subdivision, cities under special charter, or under the commission  
42 form of government, fire protection districts, and municipal corporations;

43           (6) **"Paramedic"**, an emergency medical technician paramedic certified by the  
44 department of health and senior services of the state;

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

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

54 3. (1) A claim for compensation under this section shall be filed with the division  
55 of workers' compensation not later than one year from the date of death of a law  
56 enforcement officer, emergency medical technician, paramedic, or firefighter. A claim may  
57 be filed by the estate of the deceased, or by a person who at the time of the injury is a  
58 dependent or spouse of the deceased, or if such person is an incapacitated or disabled  
59 person, or a minor, by the person's parent, conservator, or guardian on behalf of the  
60 eligible claimant. If a claim is made within one year of the date of death of a law  
61 enforcement officer, emergency medical technician, paramedic, or firefighter killed in the  
62 line of duty, compensation shall be paid, if the claim is found to be compensable under this  
63 section.

64 (2) The amount of compensation paid to the spouse or dependent shall be ten  
65 thousand dollars, subject to appropriations, for death occurring on or after August 28,  
66 2009.

67 4. Notwithstanding subsection 3 of this section, no compensation is payable under  
68 this section unless a claim is filed within the time specified under this section setting forth:

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

72 (2) The names and addresses of the claimant;

73 (3) A full, factual account of the circumstances resulting in or the course of events  
74 causing the death at issue; and

75 (4) Such other information that is reasonably required by the division.

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77 When a claim is filed, the division of workers' compensation shall make an investigation  
78 for substantiation of matters set forth in the application.

79           **5. The compensation provided for under this section is in addition to, and not**  
80 **exclusive of, any pension rights, death benefits, or other compensation the claimant may**  
81 **otherwise be entitled to by law.**

82           **6. Neither employers nor workers' compensation insurers shall have subrogation**  
83 **rights against any compensation awarded for claims under this section. Such**  
84 **compensation shall not be assignable, shall be exempt from attachment, garnishment, and**  
85 **execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any**  
86 **debt, except that the division or commission may allow as lien on the compensation,**  
87 **reasonable attorney's fees for services in connection with the proceedings for compensation**  
88 **if the services are found to be necessary. Such fees are subject to regulation as set forth in**  
89 **section 287.260.**

90           **7. Any person seeking compensation under this section who is aggrieved by the**  
91 **decision of the division of workers' compensation regarding his or her compensation claim,**  
92 **may make application for a hearing as provided in section 287.450. The procedures**  
93 **applicable to the processing of such hearings and determinations shall be those established**  
94 **by this chapter. Decisions of the administrative law judge under this section shall be**  
95 **binding, subject to review by either party under the provisions of section 287.480.**

96           **8. Under section 23.253, RSMo, of the Missouri Sunset Act:**

97           **(1) The provisions of the new program authorized under this section shall**  
98 **automatically sunset six years after the effective date of this section unless reauthorized by**  
99 **an act of the general assembly; and**

100           **(2) If such program is reauthorized, the program authorized under this section**  
101 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
102 **section; and**

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

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