

1 SB25
2 114860-1
3 By Senators Brooks and Glover
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10
6 PFD: 10/26/2009

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8 SYNOPSIS: Currently, all claims for the death of a
9 peace officer or firefighter must be presented
10 within one year of the death.

11 This bill would extend such time limit to
12 within two years of the death of the peace officer
13 or firefighter.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 36-30-5, Code of Alabama 1975,
20 relating to claims for the death of a peace officer or
21 firefighter, to extend the time limit for presentment of the
22 claim to within two years of the death of the peace officer or
23 firefighter and would provide for retroactive effect.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 36-30-5, Code of Alabama 1975, is
26 amended to read as follows:

27 "§36-30-5.

1 "(a) All claims for compensation as provided in this
2 article shall be presented to the awarding authority within
3 ~~one year~~ two years from the date of the death of the peace
4 officer or firefighter or the claims are forfeited. All such
5 claims shall be presented in the form prescribed by the
6 awarding authority, and proof of the facts and circumstances
7 of the peace officer's or firefighter's death and, if
8 necessary, the claimant's relationship to and dependence upon
9 such peace officer or firefighter shall be made in the manner
10 prescribed by the awarding authority.

11 "(b) Notwithstanding the provisions of subsection
12 (a), any person who was previously ineligible to claim the
13 compensation provided in this article, but is now eligible to
14 claim the compensation provided in this article because of the
15 enactment of Act 2008-480, and who is making a claim based
16 upon the death of a peace officer or firefighter who died on
17 or after January 1, 2006, but prior to the enactment of Act
18 2008-480, shall be able to present his or her claim for
19 compensation to the awarding authority within one year of the
20 date of enactment of Act 2008-480 regardless of whether the
21 claim was presented within one year from the date of the death
22 of the peace officer or firefighter.

23 "(c) The awarding authority is hereby authorized to
24 prescribe such forms and adopt such rules of evidence and
25 procedure as it deems necessary or proper, not inconsistent
26 with the provisions of this article, for the proper

1 determination of all claims for compensation under this
2 article."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law and shall be
6 retroactive to January 1, 2007.