

## HB28 INTRODUCED



1 HB28  
2 RAZBNMM-1  
3 By Representative Oliver  
4 RFD: Ways and Means General Fund  
5 First Read: 04-Feb-25  
6 PFD: 19-Aug-24



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SYNOPSIS:

Under existing law, when a first responder is killed in the line of duty, his or her beneficiaries are eligible to receive certain state death benefits.

This bill would include coroners, deputy coroners, medicolegal death investigators, and medical examiners as first responders for the purposes of certain state death benefits.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to first responders; to amend Sections 36-30-1 and 36-30-2, Code of Alabama 1975; to provide certain state death benefits for the beneficiaries of coroners, deputy coroners, medicolegal death investigators, and medical examiners in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-30-1 and 36-30-2, Code of Alabama 1975, are amended to read as follows:

"§36-30-1

(a) For the purposes of this chapter, the following ~~words and phrases shall~~ terms have the following meanings:



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29 (1) AWARDING AUTHORITY. The State Board of Adjustment,  
30 created and existing pursuant to Article 4, Chapter 9 of Title  
31 41.

32 (2) COMPENSATION. The money benefits paid on account of  
33 injury or death that occurred during the course of employment  
34 or activity as a ~~peace officer or firefighter~~ first responder  
35 and is in the nature of workers' compensation.

36 (3) COVID-19. Coronavirus disease 2019, for which the  
37 Governor declared a public health emergency on March 13, 2020,  
38 or any mutation or variant thereof that is declared a public  
39 health emergency under the Emergency Management Act.

40 (4) DEPENDENT CHILD. An unmarried child under ~~the age~~  
41 ~~of 18-19~~ years of age, or ~~one over the age of 18-19~~ years of  
42 age or older who is physically or mentally incapacitated from  
43 earning.

44 (5) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK OR  
45 STROKE. Death resulting from a heart attack or stroke caused  
46 by engaging or participating in a situation while on duty  
47 involving nonroutine stressful or strenuous physical law  
48 enforcement, fire suppression, rescue, hazardous material  
49 response, emergency medical service, prison security, disaster  
50 relief, other emergency medical response activity,  
51 investigation of death, or participation in a training  
52 exercise that involved nonroutine stressful or strenuous  
53 physical activity; and the heart attack or stroke is suffered  
54 while still on that duty after so engaging or participating or  
55 not more than 24 hours after so engaging or participating.

56 (6) EMERGENCY MEDICAL SERVICES PERSONNEL (EMSP).



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57 Emergency medical services personnel, as defined under Section  
58 22-18-1, that are employed by the state or a county or  
59 municipality ~~thereof~~.

60 (7) FIREFIGHTER ~~or FIREFIGHTERS~~. A member ~~or members~~ of  
61 a paid or volunteer fire department of a city, town, county,  
62 or other subdivision of the state or of a public corporation  
63 organized for the purpose of providing water, water systems,  
64 fire protection services, or fire protection facilities in the  
65 state; and shall include the chief, assistant chief, wardens,  
66 engineers, captains, firefighters, and all other officers and  
67 employees of such departments who actually engage in fire  
68 fighting or in rendering first aid in case of drownings or  
69 asphyxiation at the scene of action. The term also includes a  
70 firefighter who is employed by the Alabama Forestry Commission  
71 and who has been certified by the State Forester as having met  
72 the wildland firefighter training standards of the National  
73 Wildfire Coordinating Group.

74 (8) FIRST RESPONDER. The term includes firefighters,  
75 peace officers, rescue squad members, coroners, deputy  
76 coroners, medicolegal death investigators, medical examiners,  
77 and emergency medical services personnel.

78 (9) PEACE OFFICER. All sheriffs, deputy sheriffs,  
79 constables, municipal police officers, state and town  
80 marshals, members of the highway patrol, state troopers,  
81 Alcoholic Beverage Control Board Enforcement Division agents,  
82 enforcement officers of the Public Service Commission, revenue  
83 agents, and persons who are required by law to comply with the  
84 provisions of the Peace Officers' Minimum Standards, employees



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85 of the Board of Corrections, highway camp guards, law  
86 enforcement officers of the Department of Conservation and  
87 Natural Resources, all law enforcement officers of the Alabama  
88 Forestry Commission, livestock theft investigators of the  
89 Department of Agriculture and Industries, Capitol security  
90 guards, narcotic agents and inspectors of the State Board of  
91 Health, any other state, county, or municipal officer engaged  
92 in quelling a riot, or civil disturbance, and university  
93 police officers.

94 (10) RESCUE SQUAD MEMBER. A member of an organized  
95 rescue squad of a ~~city, town~~municipality, county, or other  
96 subdivision of the state or of a public corporation, organized  
97 for the purpose of providing, within the scope of his or her  
98 practice: First aid, treatment, or transport of the sick or  
99 injured; rescue or recovery operations at incidents of  
100 drowning; search and rescue of individuals lost or incapable  
101 of self rescue; or any other emergency or non-emergency  
102 incident where the services provided by the rescue squad are  
103 deemed necessary for incident stabilization. The term includes  
104 all commanders, officers, and members of organized rescue  
105 squads that are members of the Alabama Association of Rescue  
106 Squads.

107 (b) For the purposes of this chapter, the following  
108 described individuals ~~shall be~~are conclusively presumed to be  
109 wholly dependent:

110 (1) Spouse, unless it be shown that the spouse was  
111 voluntarily living apart from the first responder at the time  
112 of death, or unless it be shown that the first responder was



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113 not in any way contributing to the spouse's support and had  
114 not in any way contributed to the spouse's support for more  
115 than 12 months next preceding the occurrence of the injury  
116 causing death.

117 (2) ~~Minor Dependent children under the age of 19 years~~  
118 ~~and those 19 years or more if physically and mentally~~  
119 ~~incapacitated from earning.~~

120 (3) Spouse, child, mother, father, grandmother,  
121 grandfather, sister, brother, mother-in-law, and father-in-law  
122 who were wholly supported by a deceased first responder at the  
123 time of his or her death and for a reasonable period of time  
124 prior thereto shall be considered his or her dependents and  
125 payment of compensation may be made to them as hereinafter  
126 authorized.

127 (c) If a first responder dies in a manner described in  
128 Section 36-30-2 and there are no designated beneficiaries,  
129 then the compensation shall be paid to his or her dependents  
130 or partial dependents in the manner prescribed by Section  
131 36-30-3, and if there are none, the compensation shall be paid  
132 to his or her non-dependent children, and if there are none,  
133 the compensation shall be paid to his or her parents, and if  
134 there are none, the compensation shall be paid to the estate  
135 of the deceased.

136 (d) Any member of the class named in subdivision (b) (3)  
137 who regularly derived part of his or her support from the  
138 earnings of the deceased first responder, as the case may be,  
139 at the time of his or her death and for a reasonable time  
140 immediately prior thereto shall be considered his or her



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141 partial dependent and payment of compensation may be made to  
142 the partial dependent as hereinafter authorized."

143 "§36-30-2

144 (a) (1) a. In the event a first responder is killed,  
145 either accidentally or deliberately; or dies as a result of  
146 injuries received while engaged in the performance of his or  
147 her duties; or dies as a direct and proximate result of a  
148 heart attack or stroke; or within 14 calendar days after being  
149 required to report to his or her usual place of employment, he  
150 or she contracts COVID-19 between March 13, 2020, and December  
151 31, 2022, as confirmed by a positive test or diagnosis by a  
152 licensed medical professional, and dies as a result of  
153 COVID-19 or complications therefrom, his or her beneficiaries  
154 or dependents shall be entitled to compensation in the amount  
155 of one hundred thousand dollars (\$100,000) to be paid from the  
156 State Treasury as provided in Section 36-30-3.

157 b. This subsection does not apply if the first  
158 responder's death was caused by the willful misconduct of the  
159 first responder ~~or was due to~~; his or her own intoxication  
160 ~~or~~; his or her willful failure or refusal to use safety  
161 appliances provided by his or her employer ~~or~~; his or her  
162 willful refusal or neglect to perform a statutory duty or any  
163 other willful violation of a law; or his or her willful breach  
164 of a reasonable rule or regulation governing the performance  
165 of his or her duties or his or her employment of which rule or  
166 regulation he or she had knowledge.

167 c. Notwithstanding the foregoing, for purposes of  
168 deaths caused by COVID-19, the dependents or beneficiaries of



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169 the deceased first responder shall be entitled to the  
170 compensation described in paragraph (a)(1)a. regardless of the  
171 first responder's vaccination status against COVID-19, and  
172 regardless of whether the first responder regularly wore masks  
173 or other filtration devices in the performance of his or her  
174 duties.

175 (2) Any first responder whose death results proximately  
176 from an injury received while performing his or her duties,  
177 for the purposes of this article, shall be deemed to have been  
178 killed while in the performance of such duties.

179 (3) A volunteer firefighter or a member of an organized  
180 rescue squad who dies of cardiac arrest, cerebrovascular  
181 accident, or pulmonary edema within 24 hours after preparing  
182 to respond to a called emergency or responding to an  
183 emergency; or after serving in his or her capacity at an  
184 emergency; or after participating in a required physical  
185 training exercise shall be presumed to have died in the  
186 performance of his or her duties.

187 (4)a. If the State Health Officer determines from all  
188 available evidence that a volunteer firefighter, who is a  
189 member of an organized volunteer fire department registered  
190 with the Alabama Forestry Commission, has become totally  
191 disabled as a result of any injury received while engaged in  
192 the performance of his or her fire-fighting duties and the  
193 disability is likely to continue for more than 12 months from  
194 the date the injury is incurred, then the firefighter shall be  
195 entitled to receive disability compensation in the amount of  
196 one hundred thousand dollars (\$100,000) to be paid from the





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197 State Treasury as provided in Section 36-30-3.

198 b. The term "total disability" shall be interpreted to  
199 mean that the injured party is medically disabled to the  
200 extent that he or she cannot perform the duties of the job  
201 occupation or profession in which he or she was engaging at  
202 the time the injury was sustained.

203 c. The State Health Officer may seek the assistance of  
204 any state agency in making the determination of disability and  
205 the state agencies shall cooperate with the State Health  
206 Officer in such regard.

207 d. The State Health Officer shall render a decision  
208 within 30 days of the time a claim is filed.

209 e. If a volunteer firefighter disagrees with any  
210 officer, he or she may appeal the determination to the State  
211 Board of Adjustment in accordance with such board's procedures  
212 for such appeals.

213 (b) Beginning in calendar year 2009, the compensation  
214 amounts payable under this section shall be adjusted on  
215 January 1 of each year to reflect any increase during the  
216 preceding calendar year in the consumer price index as  
217 published by the U.S. Department of Labor, Bureau of Labor  
218 Statistics. The adjustment shall equal the percentage change  
219 in the consumer price index during the preceding calendar  
220 year.

221 (c) Any person who currently serves or previously  
222 served as a ~~firefighter or law enforcement officer~~ first  
223 responder who dies as a result of a firefighter's occupational  
224 disease as defined in Section 11-43-144 or 36-30-40, or law



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225 enforcement officer's occupational disease as defined in  
226 Section 36-30-20 shall be qualified for a state death benefit  
227 as provided in subsection (a) as if the person died in the  
228 performance of his or her duties, provided he or she satisfies  
229 the three years' service requirement and physical examination  
230 requirements set forth in Section 11-43-144, 36-30-22, or  
231 36-30-41, respectively.

232 (d) Any application for the state death benefit that  
233 was submitted during the period from April 29, 2010, until May  
234 27, 2015, and denied because the ~~firefighter or law~~  
235 ~~enforcement officer~~ first responder was no longer employed on  
236 the date of death may be resubmitted based on subsection (c)  
237 within six months of May 27, 2015, and reconsidered and  
238 granted by the awarding authority.

239 (e) The provisions of this section as amended by Act  
240 2021-488 shall be retroactive to any death covered by this  
241 chapter as amended after January 1, 2019.

242 (f) The provisions of this section as amended by Act  
243 2022-437 shall be retroactive to any death caused by COVID-19  
244 covered by this chapter as amended between March 13, 2020, and  
245 December 31, 2022."

246 Section 2. This act shall become effective on October  
247 1, 2025.