

BILL ANALYSIS

Senate Research Center
78R4245 YDB-F

S.B. 728
By: Staples
State Affairs
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As Filed

DIGEST AND PURPOSE

Currently, financial assistance is given to survivors of law enforcement, fire, and emergency medical personnel who are killed in the line of duty. The employee must die while performing activities that are inherent to the job and that are not customarily encountered by the general public in order for a survivor to receive payment of benefits. As proposed, S.B. 728 amends Section 615.021 of the Government Code to create a new standard of eligibility. The employee's family is eligible for survivor's benefits if the employee is killed as a result of a personal injury sustained in the line of duty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 615.021, Government Code, by amending Subsections (a) and (c) and adding Subsections (d) and (e), as follows:

- (a) Changes the phrasing of Subdivision (1) to provide that a survivor of an individual listed under Section 615.003 (Applicability) is eligible for the payment of assistance under this chapter if the listed individual died as a result of a personal injury sustained in the line of duty in the individual's position as described by Section 615.003.
- (c) Makes a conforming change.
- (d) Requires any reasonable doubt arising from the circumstances of an individual's death to be resolved in favor of the payment of assistance to the survivor, in a determination of whether the survivor of an individual listed under Section 615.003 is eligible for the payment of assistance under this chapter.
- (e) Defines "personal injury" and "line of duty."

SECTION 2. Amends Section 811.001, Government Code, by amending Subdivision (12) and adding Subdivision (12-a), as follows:

- (12) Deletes "death or" leaving "occupational disability" as the term defined, rather than "occupational death or disability."
- (12-a) Defines "occupational death."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.