

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 367:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to
2 payment of indemnification for death or disability, procedure for making payments, and
3 appeal, so as to provide for the option of payment to an estate in the case of death or to a
4 legal guardian in the case of organic brain damage suffered in the line of duty by a law
5 enforcement officer, firefighter, emergency medical technician, emergency management
6 specialist, state highway employee, or prison guard; to clarify order of priority for such
7 payments; to provide for related matters; to provide for applicability; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of
12 indemnification for death or disability, procedure for making payments, and appeal, is
13 amended by revising paragraph (3) of subsection (a) as follows:

14 "(3)(A) In the case of death or organic brain damage suffered in the line of duty by a
15 law enforcement officer, firefighter, emergency medical technician, emergency
16 management specialist, state highway employee, or prison guard, payment shall be
17 made in the following order of priority:

18 (i) To to the surviving unremarried spouse or of the deceased or organically brain
19 damaged person;

20 (ii) If no surviving unremarried spouse, then to the dependents of the spouse or;

21 (iii) If no surviving unremarried spouse or dependents of the spouse, then to the
22 dependents of the deceased person or organically brain damaged person as shown in
23 his or her most recent tax return; or

24 (iv) If no surviving unremarried spouse or dependents of the spouse or deceased
25 person or organically brain damaged person, then to the estate of the deceased person

26 as provided for by will or operation of law or to the legal guardian of the organically
27 brain damaged person.

28 (B) The surviving unremarried spouse, dependents, estate administrator, or ~~the~~ legal
29 guardian may elect to receive payment in a lump sum payment of \$150,000.00 paid in
30 equal monthly installments for five years or a lump sum of such amount reduced to its
31 present value upon the basis of interest calculated at the rate of 6 percent per annum."

32 **SECTION 2.**

33 This Act shall be applicable to all applications for indemnification filed on or after
34 July 1, 2018.

35 **SECTION 3.**

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