

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1040**

Introduced by McDonnell, 5.

Read first time January 13, 2022

Committee:

- 1 A BILL FOR AN ACT relating to the In the Line of Duty Compensation Act;
- 2 to amend section 81-8,316, Revised Statutes Supplement, 2021; to
- 3 redefine law enforcement officer; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,316, Revised Statutes Supplement, 2021, is  
2 amended to read:

3 81-8,316 For purposes of the In the Line of Duty Compensation Act:

4 (1) Firefighter means a member of a paid or volunteer fire  
5 department in Nebraska, including a member of a rescue squad associated  
6 with a paid or volunteer fire department in Nebraska;

7 (2)(a) Killed in the line of duty means losing one's life as a  
8 result of an injury or illness arising on or after January 1, 2022, in  
9 connection with the active performance of duties as a public safety  
10 officer if the death occurs within three years from the date the injury  
11 was received or illness was diagnosed and if that injury or illness arose  
12 from violence or other accidental cause.

13 (b) Killed in the line of duty excludes death resulting from the  
14 willful misconduct or intoxication of the public safety officer;

15 (3) Law enforcement officer has the same meaning as in section  
16 81-1401 ~~means any member of the Nebraska State Patrol, any county or~~  
17 ~~deputy sheriff, or any member of the police force of any city or village;~~

18 (4) Public safety officer means:

19 (a) A firefighter;

20 (b) A law enforcement officer;

21 (c) A member of an emergency medical services ambulance squad  
22 operated by a political subdivision or by a private, nonprofit ambulance  
23 service, but excluding any employee of a private, for-profit ambulance  
24 service; or

25 (d) A correctional officer employed by a jail or by the Department  
26 of Correctional Services;

27 (5) Risk Manager means the Risk Manager appointed under section  
28 81-8,239.01; and

29 (6) State Claims Board means the board created under section  
30 81-8,220.

31 Sec. 2. Original section 81-8,316, Revised Statutes Supplement,

1 2021, is repealed.