

ASSEMBLY BILL

No. 2492

Introduced by Assembly Member Dickerson

February 21, 2002

An act to amend Section 3213.2 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2492, as introduced, Dickerson. Workers' compensation: injury: lower back impairment.

Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system.

Existing law provides that in the case of a member of a police department of a city, county, or city and county, or a member of the sheriff's office of a county, or a peace officer employed by the Department of the California Highway Patrol or the University of California, the term injury includes a lower back impairment.

This bill would additionally apply this provision to individuals employed as peace officers pursuant to specified provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3213.2 of the Labor Code is amended
2 to read:

1 3213.2. (a) In the case of a member of a police department of
2 a city, county, or city and county, or a member of the sheriff’s
3 office of a county, or a peace officer employed by the Department
4 of the California Highway Patrol, or a peace officer employed by
5 the University of California, *or any other individual who is a*
6 *peace officer pursuant to Section 830.1, 830.2, or 830.3 of the*
7 *Penal Code*, who has been employed for at least five years as a
8 peace officer on a regular, full-time salary and has been required
9 to wear a duty belt as a condition of employment, the term
10 “injury,” as used in this division, includes lower back
11 impairments. The compensation that is awarded for lower back
12 impairments shall include full hospital, surgical, medical
13 treatment, disability indemnity, and death benefits as provided by
14 the provisions of this division.

15 (b) The lower back impairment so developing or manifesting
16 itself in the peace officer shall be presumed to arise out of and in
17 the course of the employment. This presumption is disputable and
18 may be controverted by other evidence, but unless so controverted,
19 the appeals board is bound to find in accordance with it. This
20 presumption shall be extended to a person following termination
21 of service for a period of three calendar months for each full year
22 of the requisite service, but not to exceed 60 months in any
23 circumstance, commencing with the last date actually worked in
24 the specified capacity.

25 (c) For purposes of this section, “duty belt” means a belt used
26 for the purpose of holding a gun, handcuffs, baton, and other items
27 related to law enforcement.

