

Senate Bill No. 424

Passed the Senate September 13, 2001

Secretary of the Senate

Passed the Assembly September 12, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 424, Burton. Workers' compensation.

Under existing law, a person injured in the course of employment is generally entitled to receive workers' compensation on account of that injury. Existing law provides that, in the case of certain law enforcement personnel, the term "injury" includes various medical conditions that are developed or manifested during a period while the person is in that service, and establishes a disputable presumption in this regard.

This bill would provide that in the case of certain law enforcement personnel, the term "injury" also includes a lower back impairment that develops or manifests itself during a period while the person is in that service.

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

SECTION 1. Section 3213.2 is added to the Labor Code, to read:

3213.2. (a) 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 a peace officer employed by the University of California, who has been employed for at least five years as a peace officer on a regular, full-time salary and has been required to wear a duty belt as a condition of employment, the term "injury," as used in this division, includes lower back impairments. The compensation that is awarded for lower back impairments shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

(b) The lower back impairment so developing or manifesting itself in the peace officer shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted,



the appeals board is bound to find in accordance with it. This presumption shall be extended to a person following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

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



Approved _____, 2001

Governor

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