

Introduced by Senator Denham

February 11, 2004

An act to add Section 4453.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1222, as introduced, Denham. Workers' compensation: local inmates: temporary disability benefits.

Existing law provides that whenever persons confined in the county jail, industrial farm, road camp, or city jail suffer injuries or death while working in the prevention or suppression of forest, brush, or grass fires, he or she is considered to be an employee of the county or city, respectively, for purposes of workers' compensation. Existing law provides that persons performing certain duties under a county work release program are eligible for workers' compensation.

Existing law prescribes the amount of average weekly earnings that are used in computing average annual earnings for the purposes of temporary disability indemnity benefits.

This bill would provide that for purposes of determining temporary disability benefits for any person entitled to benefits under the workers' compensation law as a result of an injury sustained by an inmate of any county jail, industrial farm, road camp, or city jail, or by an inmate assigned to a county work release program, the average weekly earnings shall be taken at the minimum amount set forth in the above provision regarding the calculation of temporary disability benefits, or the actual weekly wages lost due to disability resulting from the injury, whichever is less.

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

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

1 SECTION 1. Section 4453.1 is added to the Labor Code, to
2 read:
3 4453.1. Notwithstanding any other provision of law, for
4 purposes of determining temporary disability benefits for any
5 person entitled to benefits under this division as a result of an
6 injury sustained by an inmate of any county jail, industrial farm,
7 road camp, or city jail, or by an inmate assigned to a work release
8 program under Section 4024.2 of the Penal Code, the average
9 weekly earnings shall be taken at the minimum amount set forth
10 in Section 4453 or the actual weekly wages lost due to disability
11 resulting from the injury, whichever is less.

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