

AMENDED IN SENATE APRIL 15, 1999

SENATE BILL

No. 32

Introduced by Senator Peace

December 7, 1998

An act to add Section 3212.8 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as amended, Peace. Workers' compensation: law enforcement.

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 state and local firefighting and law enforcement personnel, the term "injury" includes various medical conditions that are developed or manifested during a period while the member is in the service of the office, staff, department, or unit, and establishes a disputable presumption in this regard.

This bill would provide that in the case of certain state and local firefighting and law enforcement personnel, the term "injury" also includes hepatitis that develops or manifests itself during a period while the person is in the service of that office, division, department, or unit.

This bill, with respect to these persons, would also establish a disputable presumption that hepatitis developing or manifesting itself during the service period arose out of and in the course of employment or service. The presumption would also extend to a person covered by the bill following

termination of service for a period of time based on years of service, but not to exceed 60 months beginning with the last day worked.

~~The bill would impose a state-mandated local program by expanding the scope of workers' compensation liability for certain local entities.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 SECTION 1. Section 3212.8 is added to the Labor
2 Code, to read:
3 3212.8. (a) In the case of members of a sheriff's office,
4 of police or fire departments of cities, counties, cities and
5 counties, districts, or other public or municipal
6 corporations or political subdivisions, or individuals
7 described in Chapter 4.5 (commencing with Section 830)
8 of Title 3 of Part 2 of the Penal Code, whether those
9 persons are volunteer, partly paid, or fully paid, and in the
10 case of active firefighting members of the Department of
11 Forestry and Fire Protection, or of any county forestry or
12 firefighting department or unit, whether voluntary, fully
13 paid, or partly paid, excepting those whose principal
14 duties are clerical or otherwise do not clearly fall within
15 the scope of active law enforcement service or active
16 firefighting services, such as stenographers, telephone
17 operators, and other office workers, the term "injury" as
18 used in this division, includes hepatitis when any part of



1 the hepatitis develops or manifests itself during a period
 2 while that person is in the service of that office, staff,
 3 division, department, or unit. The compensation that is
 4 awarded for hepatitis shall include, but not be limited to,
 5 full hospital, surgical, medical treatment, disability
 6 indemnity, and death benefits, as provided by the
 7 workers' compensation laws of this state.

8 (b) The hepatitis so developing or manifesting itself in
 9 those cases shall be presumed to arise out of and in the
 10 course of the employment or service. This presumption
 11 is disputable and may be controverted by other evidence,
 12 but unless so controverted, the appeals board is bound to
 13 find in accordance with it. That presumption shall be
 14 extended to a person covered by subdivision (a)
 15 following termination of service for a period of three
 16 calendar months for each full year of service, but not to
 17 exceed 60 months in any circumstance, commencing with
 18 the last date actually worked in the specified capacity.

19 (c) The hepatitis so developing or manifesting itself in
 20 those cases shall in no case be attributed to any disease
 21 existing prior to that development or manifestation.

22 ~~SEC. 2. Notwithstanding Section 17610 of the~~
 23 ~~Government Code, if the Commission on State Mandates~~
 24 ~~determines that this act contains costs mandated by the~~
 25 ~~state, reimbursement to local agencies and school~~
 26 ~~districts for those costs shall be made pursuant to Part 7~~
 27 ~~(commencing with Section 17500) of Division 4 of Title~~
 28 ~~2 of the Government Code. If the statewide cost of the~~
 29 ~~claim for reimbursement does not exceed one million~~
 30 ~~dollars (\$1,000,000), reimbursement shall be made from~~
 31 ~~the State Mandates Claims Fund.~~

32 ~~Notwithstanding Section 17580 of the Government~~
 33 ~~Code, unless otherwise specified, the provisions of this act~~
 34 ~~shall become operative on the same date that the act~~
 35 ~~takes effect pursuant to the California Constitution.~~

