

SENATE, No. 432

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator JOSEPH P. CRYAN

District 20 (Union)

Co-Sponsored by:

Senator Addiego

SYNOPSIS

Revises workers' compensation coverage for certain injuries to volunteer and professional public safety and law enforcement personnel.

CURRENT VERSION OF TEXT

As reported with technical review.



(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning workers' compensation coverage and amending
2 P.L.1987, c.382.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1987, c.382 (C.34:15-7.3) is amended to
8 read as follows:

9 1. a. For any cardiovascular or cerebrovascular injury or death
10 which occurs to an individual covered by subsection b. of this
11 section while that individual is engaged in a response to an
12 emergency, there shall be a rebuttable presumption that the injury
13 or death is fully compensable under R.S. 34:15-1 et seq., if that
14 injury or death occurs while the individual is responding **【**, under
15 orders from competent authority,**】** to or remediating from a law
16 enforcement, public safety or medical emergency as defined in
17 subsection c. of this section.

18 b. This section shall apply to:

19 (1) Any permanent or temporary member of a paid or part-paid
20 fire or police department and force;

21 (2) Any member of a volunteer fire company;

22 (3) Any member of a volunteer first aid or rescue squad; **【and】**

23 (4) Any special, reserve, or auxiliary policeman doing volunteer
24 duty; and

25 (5) Any recognized emergency management member doing
26 volunteer duty.

27 c. As used in this section **【.】** :

28 "**【law】** Law enforcement, public safety or medical emergency"
29 means any combination of circumstances requiring immediate
30 action to prevent the loss of human life, the destruction of property,
31 or the violation of the criminal laws of this State or its political
32 subdivisions, and includes, but is not limited to, the suppression of
33 a fire, a firemanic drill, the apprehension of a criminal, or medical
34 and rescue service.

35 "Remediating from" means leaving an emergency in a reasonable
36 period of time, not to exceed 24 hours from the end of the
37 emergency, to carry out post-incident agency protocols and
38 decompression including measures such as critical incident stress
39 debriefings.

40 d. The presumption of compensability pursuant to subsection a.
41 of this section shall be rebuttable by use of casual factors such as
42 horseplay, skylarking, self-infliction, voluntary intoxication, and
43 illicit drug use.

44 e. Any cardiovascular or cerebrovascular injury or death-
45 related incident resulting in a dispute as to compensability shall be

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 decided coincidentally with the United States Department of
2 Justice, Public Safety Officers' Benefits Program findings.
3 (cf: P.L.1987, c.382, s.1)
4

5 2. This act shall take effect immediately, and shall apply to all
6 applicable injuries and deaths pending on the date of enactment.