

2021 Regular Session

HOUSE BILL NO. 157

BY REPRESENTATIVE GREEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LAW ENFORCEMENT: Provides relative to the financial security for surviving spouses and children of law enforcement officers who suffer death by heart attack or stroke

1 AN ACT

2 To amend and reenact R.S. 40:1665.1(A), (C), and (D), relative to health benefits of law
3 enforcement officers; to provide relative to death benefits resulting from heart attack
4 or stroke; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1665.1(A), (C), and (D) are hereby amended and reenacted to
7 read as follows:

8 §1665.1. Financial security for surviving spouses and children of firemen and law
9 enforcement officers; death by heart attack or stroke; presumption

10 A. In addition to the qualifying events enumerated in R.S. 40:1665 and
11 1665.2, a fireman or law enforcement officer, as defined in R.S. 40:1665.2(B) whose
12 death is the direct and proximate result of a heart attack or a stroke shall be presumed
13 to have died as the direct and proximate result of an injury sustained in the
14 performance of his official duties for the purposes of R.S. 40:1665 and 1665.2 if:

15 (1) While on duty, the fireman or law enforcement officer engaged in an
16 activity which was stressful or physical including but not limited to fire suppression,
17 rescue, hazardous material response, emergency medical services, disaster relief, or
18 other emergency response activity, or participated in a training exercise that involved
19 stressful or strenuous physical activity.

1 (2) The fireman or law enforcement officer died as a result of a heart attack
2 or stroke suffered while engaging or participating, or on duty after engaging or
3 participating, in the activities or exercises described in Paragraph (1) of this
4 Subsection or no later than twenty-four hours after engaging or participating in the
5 activities or exercises described in Paragraph (1) of this Subsection.

6 * * *

7 C. The surviving spouse and children of a fireman or law enforcement
8 officer whose death meets the requirements under Subsection A of this Section shall
9 be eligible for the payment of benefits enumerated in R.S. 40:1665 for firemen or
10 1665.2 for law enforcement officers.

11 D. Payment of benefits pursuant to this Section shall be made according to
12 the provisions of R.S. 40:1665 and 1665.2 and shall be subject to review by the Law
13 Enforcement Officers and Firemen's Survivor Benefit Review Board.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 157 Original

2021 Regular Session

Green

Abstract: Provides financial security upon death by heart attack or stroke for surviving spouses and children of law enforcement officers.

Present law provides an irrebuttable presumption that a fireman whose death is the direct and proximate result of a heart attack or a stroke died as the direct and proximate result of an injury sustained in the performance of his official duties, thereby making his survivors eligible for payment pursuant to present law.

Present law also provides that if, while on duty, the fireman engages in a stressful or physical activity, including emergency response activity, or participates in a stressful or strenuous physical training exercise and the heart attack or stroke occurs while he is engaged in the activity, while he is on duty after engaging in the activity, or no later than 24 hours after the activity, and whose death is the direct and proximate result of a heart attack or stroke, then present law provides a presumption that the fireman died as the direct and proximate result of an injury sustained in the performance of his official duties for certain purposes in present law.

Proposed law retains present law and adds law enforcement officers.

(Amends R.S. 40:1665.1(A), (C), and (D))