

**SENATE, No. 1597**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 5, 2018

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator JOSEPH P. CRYAN**

**District 20 (Union)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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.

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.

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8

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STATEMENT

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11 This bill revises the law governing workers' compensation  
12 coverage for certain injuries to volunteer and professional public  
13 safety and law enforcement personnel.

14 Under current law, there is a rebuttable presumption that any  
15 cardiovascular or cerebrovascular injury or death which occurs to  
16 individuals who are volunteer and professional public safety and  
17 law enforcement personnel while those individuals are engaged in a  
18 response to an emergency is compensable if that injury or death  
19 occurs while the individual is responding, under orders from  
20 competent authority, to an emergency.

21 This bill expands the individuals that are covered by the  
22 presumption to include any recognized emergency management  
23 member doing volunteer duty. It is also removes the requirement  
24 that the individual must be responding to orders under competent  
25 authority in order to recover, and provides that individuals are  
26 covered by the presumption when remediating from an emergency.

27 The bill provides that the presumption of compensability is  
28 rebuttable by use of casual factors such as horseplay, skylarking,  
29 self-infliction, voluntary intoxication, and illicit drug use.

30 The bill provides that any cardiovascular or cerebrovascular  
31 injury or death-related incident resulting in a dispute as to  
32 compensability is to be decided coincidentally with the United  
33 States Department of Justice, Public Safety Officers' Benefits  
34 Program findings.