

SOUTH CAROLINA
HOUSE AMENDMENT

AMENDMENT NO. _____

Samantha Allen
May 03, 2023

ADOPTED	REJECTED	TABLED	ADJOURN DEBATE	RECONSIDERED	ROO

Clerk of the House

ADOPTION NO. _____

BILL NO: S. 108

(Reference is to the original version)

Rep. Cobb-Hunter proposes the following amendment (LC-108.SA0014H):

Amend the bill, as and if amended, by deleting SECTION 1.

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Section 42-7-90 of the S.C. Code is amended by adding:

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term "first responder" means:

(i) an emergency medical technician as defined in Section 44-61-20(12);

(ii) a law enforcement officer as defined in Section 23-23-10(E)(1), including detention and corrections officers;

- (iii) reserves as defined in Section 23-28-10(A);
- (iv) constables appointed pursuant to Section 23-1-60;
- (v) a fire department worker or volunteer worker; or
- (vi) a coroner or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder's willful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder's death is either:

- (i) the result of an unlawful and intentional act of another person; or
- (ii) the result of an accident that occurs:

(A) as a result of the first responder's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder's response to what is reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner

prescribed by the agency during the first responder's lifetime. If no designation is made, then the payment must be paid to the first responder's surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

SECTION X. Article 1, Chapter 7, Title 42 of the S.C. Code is amended by adding:

Section 42-7-220. There is established, within the office of the State Accident Fund, the South Carolina First Responder Line of Duty Death Benefit Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year. This fund is created to ensure payment of line of duty death benefits to first responders as defined in 42-7-90 and only may be used for that purpose. The fund must be administered by the Director of the State Accident Fund who shall establish procedures to implement this section. The Director of the State Accident Fund shall report to the State Treasurer expenditures made from the fund pursuant to this section. From the general fund of the state, the State Treasurer monthly shall deposit in the account sufficient funds to pay claims pursuant to

this section. The amount deposited may not exceed the actual amount paid in claims.

Amend the bill further, by striking SECTION 5 and inserting:

SECTION 5. This act takes effect on July 1, 2024.

Renumber sections to conform.

Amend title to conform.