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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2681

03/08/2023

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; expanding eligibility for public safety officer survivor
1.3 benefits; appropriating money; amending Minnesota Statutes 2022, section
1.4 299A.41, subdivisions 3, 4, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 299A.41, subdivision 3, is amended to read:

1.7 Subd. 3. **Killed in the line of duty.** (a) "Killed in the line of duty" does not include
1.8 deaths from natural causes, except as provided in this subdivision. In the case of a public
1.9 safety officer, killed in the line of duty includes the death of a public safety officer caused
1.10 by accidental means while the public safety officer is acting in the course and scope of
1.11 duties as a public safety officer.

1.12 (b) Killed in the line of duty also means if a public safety officer dies as the direct and
1.13 proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed
1.14 to have died as the direct and proximate result of a personal injury sustained in the line of
1.15 duty if:

1.16 (1) that officer, while on duty:

1.17 (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous
1.18 physical law enforcement, fire suppression, rescue, hazardous material response, emergency
1.19 medical services, prison security, disaster relief, or other emergency response activity; or

1.20 (ii) participated in a training exercise, and that participation involved nonroutine stressful
1.21 or strenuous physical activity;

1.22 (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered:

- 2.1 (i) while engaging or participating under clause (1);
- 2.2 (ii) while still on duty after engaging or participating under clause (1); or
- 2.3 (iii) not later than 24 hours after engaging or participating under clause (1); and
- 2.4 (3) the presumption is not overcome by competent medical evidence to the contrary.

2.5 (c) Killed in the line of duty also means if a public safety officer dies as a result of suicide
 2.6 when:

2.7 (1) a licensed mental health provider previously diagnosed the officer with post-traumatic
 2.8 stress disorder; and

2.9 (2) the officer's mental health provider determined the post-traumatic stress disorder
 2.10 resulted from the officer's work as a public safety officer.

2.11 As used in this paragraph, "public safety officer" includes only the individuals described
 2.12 in subdivision 4, clauses (1) to (4), (6), (8), and (9).

2.13 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

2.14 Sec. 2. Minnesota Statutes 2022, section 299A.41, is amended by adding a subdivision to
 2.15 read:

2.16 Subd. 3a. **Post-traumatic stress disorder.** "Post-traumatic stress disorder" means the
 2.17 condition as described in the most recently published edition of the Diagnostic and Statistical
 2.18 Manual of Mental Disorders by the American Psychiatric Association.

2.19 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

2.20 Sec. 3. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

2.21 Subd. 4. **Public safety officer.** Except as provided in subdivision 3, paragraph (c),
 2.22 "public safety officer" includes:

2.23 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

2.24 (2) a correction officer employed at a correctional facility and charged with maintaining
 2.25 the safety, security, discipline, and custody of inmates at the facility;

2.26 (3) an individual employed on a full-time basis by the state or by a fire department of a
 2.27 governmental subdivision of the state, who is engaged in any of the following duties:

2.28 (i) firefighting;

2.29 (ii) emergency motor vehicle operation;

- 3.1 (iii) investigation into the cause and origin of fires;
- 3.2 (iv) the provision of emergency medical services; or
- 3.3 (v) hazardous material responder;
- 3.4 (4) a legally enrolled member of a volunteer fire department or member of an independent
3.5 nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 3.6 (5) a good samaritan while complying with the request or direction of a public safety
3.7 officer to assist the officer;
- 3.8 (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision
3.9 and authority of a political subdivision;
- 3.10 (7) a driver or attendant with a licensed basic or advanced life-support transportation
3.11 service who is engaged in providing emergency care;
- 3.12 (8) a first responder who is certified by the emergency medical services regulatory board
3.13 to perform basic emergency skills before the arrival of a licensed ambulance service and
3.14 who is a member of an organized service recognized by a local political subdivision to
3.15 respond to medical emergencies to provide initial medical care before the arrival of an
3.16 ambulance; and
- 3.17 (9) a person, other than a state trooper, employed by the commissioner of public safety
3.18 and assigned to the State Patrol, whose primary employment duty is either Capitol security
3.19 or the enforcement of commercial motor vehicle laws and regulations.

3.20 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2017.

3.21 Sec. 4. **EXCEPTION TO TOLLING PERIOD.**

3.22 Notwithstanding Minnesota Statutes, section 299A.47, a claim for benefits may be made
3.23 from the public safety officer's death benefit account by or on behalf of a survivor of a
3.24 public safety officer who died by suicide between January 1, 2017, and June 30, 2023,
3.25 within two years of the effective date of this act if the officer is considered killed in the line
3.26 of duty under the changes made in sections 1 to 3.

3.27 Sec. 5. **APPROPRIATION.**

3.28 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general
3.29 fund to the commissioner of public safety for costs associated with this act.