

SB

1988

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 4/25/03

FURTHER: Judiciary

Date of 5-Day Notice: 5/2/03
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 5/9/03

State Affairs Committee considered SENATE BILL NO. 198

SB 198 DAMAGES RECOVERED BY POLICE/FIREFIGHTER

"An Act relating to recovery of civil damages by a peace officer or firefighter; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 198 (STA)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
<u>DOL</u>	<u>5/5/03</u>		<input checked="" type="checkbox"/>	<u>1</u>

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>[Signature]</u>			<input checked="" type="checkbox"/>	
<u>[Signature]</u>			<input checked="" type="checkbox"/>	
<u>[Signature]</u>			<input checked="" type="checkbox"/>	
<u>[Signature]</u>	<input checked="" type="checkbox"/>			
CHAIR: <u>[Signature]</u>	<input checked="" type="checkbox"/>			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 198
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to recovery of civil damages by BRU Civil Division
a peace officer or firefighter; . . ." Component Special Litigation
 Sponsor Senator Seekins
 Requester Senate State Affairs Committee Component No. 2213

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill would amend common law that precludes a peace officer or firefighter or their representative from recovering civil damages for a negligent act or omission resulting in injury or death in the line of duty to specifically exclude negligent acts or omissions that are unrelated to the activity that created the need for the presence of the peace officer or firefighter.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 5/5/03 2:07 PM
 Approved by: Kathryn Daughetelee for Gregg D. Renkes, Attorney General Date 5/5/2003
 Agency: Department of Law

ALASKA STATE SENATE

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax



Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

SB 198 Sponsor Statement

An Act Relating to Recovery of Civil Damages by a Peace Officer or Firefighter

Senate Bill 198 revises the common law known as the "Firefighter's Rule". This rule precludes firefighters and peace officers from recovering civil damages for injuries caused by any negligent act inflicted while on duty. The "Firefighters Rule" does not distinguish between negligent acts requiring the firefighter's or peace officer's response from negligent acts that are *unrelated* to the reason the firefighter or peace officer was required to respond.

For example, as currently employed, the "Firefighters Rule" precludes a police officer from suing for damages for injuries suffered as a result of being struck by a drunk driver during the course of transporting a prisoner to the courthouse. This despite the fact that the negligent act, in this case the drunk driving, is unrelated to the duty the officer was performing at the time. Senate bill 198 corrects this incongruity. Yet, on the other hand, this bill does nothing to change the case where the police officer is injured during the course of a pursuit of the drunk driver. This is considered a foreseeable risk associated with the profession and, accordingly, well within that which the "Firefighter's Rule" should cover.

Therefore, Senate bill 198 makes a distinction between negligence that is related to the reason the firefighter or peace officer is responding and negligence that is unrelated to the reason the firefighter or peace officer is responding. In the first instance, it *does not* allow a civil action. Instead the firefighter or peace officer must rely on the state's workers compensation system. However, in the case where injury was caused by a negligent act *not related* to the reason for the firefighter or peace officer's response, then—under this legislation—a civil action can be brought against the at-fault party.