

Re: Line of Duty Compensation Act

In late June of 2009, standing inside a Kansas City fire station, Governor Jay Nixon signed the Line of Duty Compensation Act into law. House Bill 580 established the Line of Duty Compensation Act, which allows a claim to be filed with the Division of Workers' Compensation on behalf of a law enforcement officer, firefighter, emergency medical technician, air ambulance pilot or air ambulance registered nurse for a benefit of \$25,000.¹

As Nixon signed this bill he declared, "These brave men and women put their lives on the line every day to protect the citizens of Missouri. Too many times, they have given their lives in the performance of their duties. This financial benefit for surviving family members is an appropriate way to recognize those who make the ultimate sacrifice in the line of duty."²

There are several requirements which must be met in order to file a successful "Line of Duty" claim. First, benefits are available to survivors who are killed when the individual was on duty at the time of an injury that resulted in death. This individual additionally must have been engaged in the active performance of the duties of his or her profession, or the injury resulting in death occurred as a result of the individual's performance of his or her duties.³ Claims must be filed within one year from the date of death.

The Line of Duty Compensation Act is can be found at Section 287.243.1 of the Missouri Revised Statutes. Accordingly, this statue sets out the following definitions of employees:

- **Air Ambulance Pilot:** A person certified as an air ambulance pilot in accordance with sections 190.001 and 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services.⁴
- **Air Ambulance Registered Professional Nurse:** a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs.⁵
- **Emergency Medical Technician:** A person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department of health and senior services under sections 190.001 to 190.245.⁶
- **Firefighter:** Any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030,

¹ <https://governor.mo.gov/news/archive/gov-nixon-signs-bill-creating-new-fund-benefit-families-emergency-personnel-killed-line>

² *Id.*

³ <http://www.firehero.org/resources/family-resources/benefits/local/mo/>

⁴ §287.243.2 (1) RSMo.

⁵ §287.243.2 (2) RSMo.

⁶ §287.243.2 (3) RSMo.

or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims.⁷

- **Volunteer Firefighter:** A person having principle employment other than a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.⁸
- **Law Enforcement Officer:** Any person, employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life.⁹

In 2015, four firefighters¹⁰ and two police officers¹¹ were killed in the line of duty. State Fire Marshal Greg Carrell put it best when he stated, "It is my hope that Missourians appreciate their faithful, courageous service not just at memorial services, but 365 days a year."¹²

⁷ §287.243.2 (4)RSMo.

⁸ §287.243.2 (9) RSMo.

⁹ §287.243.2 (6) RSMo.

¹⁰ <http://www.ky3.com/content/news/379583341.html>

¹¹ <https://www.odmp.org/search?state=Missouri&from=2015&to=2015>

¹² <http://www.ky3.com/content/news/379583341.html>