

Representative Tyler Clancy proposes the following substitute bill:

**PRESUMPTION OF WORKERS' COMPENSATION BENEFITS FOR
LAW ENFORCEMENT OFFICERS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill enacts a chapter in Title 34, Labor in General, establishing a presumption of workers' compensation benefits for law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides a rebuttable presumption that an injury arose out of and in the course of employment if a law enforcement officer is injured while engaging in duties as a law enforcement officer pursuant to the officer's employment; and
- ▶ addresses the date on which a cause of action is considered to arise.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-58-1, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-58-1** is enacted to read:

34-58-1. Presumption of workers' compensation benefits for law enforcement officers.

(1) As used in this section:

(a) "Law enforcement agency" means an entity or division of any of the following that exists primarily to prevent and detect crime and enforce criminal law:

(i) the state;

(ii) a political subdivision of the state; or

(iii) a private institution of higher education, if the entity or division is certified by the commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency.

(2) "Law enforcement officer" means the same as that term is defined in Section [53-13-103](#).

(3) If a law enforcement officer is injured while engaging in duties as a law enforcement officer pursuant to the officer's employment at a law enforcement agency, there is a rebuttable presumption that the injury arose out of, and in the course of, employment.

(4) The presumption described in Subsection (2) may be rebutted by a preponderance of the evidence.

(5) A cause of action subject to the presumption described in Subsection (2) is considered to arise on the later of the date that the law enforcement officer:

(a) is injured; or

(b) knows, or in the exercise of reasonable diligence should have known, that the injury arose out of, and in the course of, employment.

Section 2. Effective date.

This bill takes effect on May 1, 2024.