

“(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer; and

“(3) evidence indicates that the officer had COVID-19 (or complications therefrom) at the time of the officer’s death.

“(b) **DISABILITY BENEFITS.**—As determined by the Bureau of Justice Assistance, COVID-19 (or complications therefrom) suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of section 1201(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10281(b)), sustained in the line of duty by the officer, if—

“(1) the officer engaged in a line of duty action or activity during the period beginning on January 1, 2020, and ending on the termination date; and

“(2) the officer was diagnosed with COVID-19 (or evidence indicates that the officer had COVID-19) during the 45-day period beginning on the last day of duty of the officer.

“(c) **TERMINATION DATE.**—For purposes of this section, the term ‘termination date’ means the earlier of—

“(1) the date on which the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to the Coronavirus Disease (COVID-19), expires; and

“(2) December 31, 2023.”

§ 10282. Limitations on benefits

(a) In general

No benefit shall be paid under this subchapter—

(1) if the fatal or catastrophic injury was caused by the intentional misconduct of the public safety officer or by such officer’s intention to bring about his death, disability, or injury;

(2) if the public safety officer was voluntarily intoxicated at the time of his fatal or catastrophic injury;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his fatal or catastrophic injury;

(4) to any individual who would otherwise be entitled to a benefit under this subchapter if such individual’s actions were a substantial contributing factor to the fatal or catastrophic injury of the public safety officer; or

(5) with respect to any individual employed in a capacity other than a civilian capacity.

(b) Presumption

In determining whether a benefit is payable under this subchapter, the Bureau—

(1) shall presume that none of the limitations described in subsection (a) apply; and

(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.

(Pub. L. 90-351, title I, §1202, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 101-647, title XIII, §1301(b), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 109-162, title XI, §1164(b), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 112-239, div. A, title X, §1086(b)(1)(C), Jan. 2, 2013, 126 Stat. 1966; Pub. L. 115-36, §5, June 2, 2017, 131 Stat. 852.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3796a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1202 of title I of Pub. L. 90-351, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98-411, title II, §204(a)(2), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of part L of title I of Pub. L. 90-351 by section 609F of Pub. L. 98-473.

Another prior section 1202 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2017—Pub. L. 115-36 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2013—Pub. L. 112-239, §1086(b)(1)(C)(i), substituted “fatal” for “death” wherever appearing except in par. (1) following “bring about his”.

Par. (1). Pub. L. 112-239, §1086(b)(1)(C)(ii), substituted “bring about his death, disability, or injury” for “bring about his death or catastrophic injury”.

2006—Par. (5). Pub. L. 109-162 inserted “with respect” before “to any individual”.

1990—Pars. (1) to (4). Pub. L. 101-647 inserted “or catastrophic injury” after “death” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-36, §6, June 2, 2017, 131 Stat. 852, provided that: “The amendments made by this Act [enacting section 10288 of this title and amending this section and sections 10285 and 10302 of this title] shall—

“(1) take effect on the date of enactment of this Act [June 2, 2017]; and

“(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) [now 34 U.S.C. 10281 et seq.] that is—

“(A) pending before the Bureau of Justice Assistance on the date of enactment; or

“(B) received by the Bureau on or after the date of enactment of this Act.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 10251 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 10281 of this title.

§ 10283. National programs for families of public safety officers who have sustained fatal or catastrophic injury in the line of duty

The Director is authorized to use no less than \$150,000 of the funds appropriated for this subchapter to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

(Pub. L. 90-351, title I, §1203, as added Pub. L. 100-690, title VI, §6106(a)(2), Nov. 18, 1988, 102 Stat. 4341; amended Pub. L. 105-180, §2(a), June 16, 1998, 112 Stat. 511; Pub. L. 112-239, div. A, title X, §1086(b)(1)(D), Jan. 2, 2013, 126 Stat. 1966.)