



ASSEMBLY BILL 1749 PROVIDES PROTECTION NEEDED FOR OUR FIRST RESPONDERS

By Scott O'Mara

Law1199.com Newsletter 2017 Issue #12, published in November 2017, addresses the legislative changes introduced on January 3, 2018, by Assembly Member Daly through Assembly Bill 1749. This bill was principally co-authored by Assembly Member Quirk-Silva and Senator Bates, and also co-authored by Assembly Members Grayson, Mayes and Rodriguez and Senator Wilk. AB 1749 is direct in its attempt to eliminate ambiguity and the wall of denial of benefits relative to the first responders absolutely needed by our society.

Readers will recall the tragic event which occurred in Las Vegas, Nevada, on October 1, 2017, as well as other situations after that. These events establish and continue to show the necessity for our society to protect our safety officers, regardless of the areas they are from and where they perform their heroic feats on behalf of all Americans.

As stated, the California Constitution affirms that safety officers will support and defend the Constitution of the United States. Also, as discussed previously, Federal legislation enacted by President George W. Bush on June 22, 2004, allows qualified law enforcement officers, both active and retired, to carry concealed weapons in any jurisdiction of the United States regardless of any state or local laws (with some limited exceptions).

AB 1749 gives clarity and direction regarding events like the Las Vegas shootings, and allows protection for the safety members involved. Without this corrective action, and with more of these tragic events occurring, the so-called "off-duty police officers" who are injured or killed protecting our society will not have an umbrella of protection for themselves and their families, thereby causing all safety members to have to reconsider their ability and willingness to respond and protect our society if our society will not protect them.

We, as a society, are very fortunate to have a segment of our population with not only the training and experience, but also the will, to protect all of us. Therefore, we as a society must support and protect these officers and their families. Failure to do so is violative of our duty and expectations for these officers.

AB 1749 is specific, stating:

“Whenever any peace officer, as defined in Section 50920 of the Government Code, is injured, dies, or is disabled from performing his duties as a peace officer by reason of engaging in the apprehension or attempted apprehension of law violators or suspected law violators within or out of the state, or protection or preservation of life or property within or out of the state, or the preservation of the peace anywhere in this state . . . shall be accorded by his employer all of the same benefits, including the benefits of this division, which he or they would have received had that peace officer been acting under the immediate direction of his employer. Any injury, disability, or death incurred under the circumstances described in this section shall be deemed to have arisen out of and been sustained in the course of employment for purposes of workers’ compensation and all other benefits.”

Assembly Member Tom Daly, along with the additional principal co-authors and other co-authors, recognize the need for legislation like Assembly Bill 1749. The expectation is that Governor Brown, once he receives this bill, also will recognize and appreciate the significance of this much-needed legislation and sign it into law.



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