

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 219
PROPOSED COMMITTEE SUBSTITUTE H219-PCS90113-MN-4

Short Title: Update References/Child Born Out of Wedlock.

(Public)

Sponsors:

Referred to:

March 6, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE
3 REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO
4 "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO
5 "BASTARDY" AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE
6 STATUTES BEING AMENDED.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 6-21(10) reads as rewritten:

9 **"§ 6-21. Costs allowed either party or apportioned in discretion of court.**

10 Costs in the following matters shall be taxed against either party, or apportioned among the
11 parties, in the discretion of the court:

12

13 (10) In proceedings under Article 3 of Chapter 49 of the General Statutes
14 regarding illegitimate children under Article 3, Chapter 49 of the General
15 Statutes born out of wedlock.

16"

17 **SECTION 2.** G.S. 8-57(b) reads as rewritten:

18 "(b) The spouse of the defendant shall be competent but not compellable to testify for the
19 State against the defendant in any criminal action or grand jury proceedings, except that the
20 spouse of the defendant shall be both competent and compellable to so testify:

21 ...

22 (5) In a prosecution of one spouse for any other criminal offense against the
23 minor child of either spouse, including any child of either spouse who is
24 illegitimate born out of wedlock or adopted or a foster child of either
25 spouse child."

26 **SECTION 3.** G.S. 14-325.1 reads as rewritten:

27 **"§ 14-325.1. When offense of failure to support child deemed committed in State.**

28 The offense of willful neglect or refusal of a parent to support and maintain a child, and the
29 offense of willful neglect or refusal to support and maintain one's illegitimate child, child born
30 out of wedlock, shall be deemed to have been committed in the State of North Carolina this
31 State whenever the child is living in North Carolina this State at the time of such the willful
32 neglect or refusal to support and maintain such the child."

33 **SECTION 4.** The catch line of G.S. 15-155.2 reads as rewritten:

34 **"§ 15-155.2. District attorney to take action on report of aid to dependent child [Work**
35 **First Family Assistance] or illegitimate [out of wedlock] birth. Work First**
36 **Family Assistance and children born out of wedlock."**



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1 (c) Any person described under subdivision (b)(1) or (2) ~~above of this section~~ and the
2 person's lineal and collateral kin shall be entitled to inherit by, through and from the ~~illegitimate~~
3 child.

4 (d) Any person who acknowledges that he is the father of ~~an illegitimate~~ a child born
5 out of wedlock in his duly probated last will shall be deemed to have intended that ~~such the~~
6 child be treated as expressly provided for in ~~said the~~ will or, in the absence of any express
7 provision, the same as a legitimate child."

8 **SECTION 10.** G.S. 29-20 reads as rewritten:

9 **"§ 29-20. Descent and distribution upon intestacy of ~~illegitimate children~~ children born**
10 **out of wedlock.**

11 All the estate of a person ~~dying illegitimate and~~ who was born out of wedlock and dies
12 intestate shall descend and be distributed, subject to the payment of costs of administration and
13 other lawful claims against the estate, and subject to the payment of State inheritance or estate
14 taxes, as provided in this Article."

15 **SECTION 11.** G.S. 29-21 reads as rewritten:

16 **"§ 29-21. Share of surviving spouse.**

17 The share of the surviving spouse of ~~an illegitimate intestate~~ an intestate born out of
18 wedlock shall be the same as provided in G.S. 29-14 for the surviving spouse of a legitimate
19 person. In determining whether the ~~illegitimate~~ intestate is survived by one or more parents as
20 provided in G.S. 29-14(3), any person identified as the father under G.S. 29-19(b)(1) or (b)(2)
21 shall be regarded as a parent."

22 **SECTION 12.** G.S. 29-22 reads as rewritten:

23 **"§ 29-22. Shares of others than the surviving spouse.**

24 Those persons surviving ~~the illegitimate intestate,~~ an intestate born out of wedlock, other
25 than the surviving spouse, shall take that share of the net estate provided in G.S. 29-15. In
26 determining whether the ~~illegitimate~~ intestate is survived by one or more parents or their
27 collateral kindred as provided in G.S. 29-15, any person identified as the father under
28 G.S. 29-19(b)(1) or (b)(2) shall be regarded as a parent."

29 **SECTION 13.** G.S. 30-17 reads as rewritten:

30 **"§ 30-17. When children entitled to an allowance.**

31 Whenever any parent dies survived by any child under the age of 18 years, including an
32 adopted child or a child with whom the widow may be pregnant at the death of her husband, or
33 a child who is less than 22 years of age and is a full-time student in any educational institution,
34 or a child under 21 years of age who has been declared mentally incompetent, or a child under
35 21 years of age who is totally disabled, or any other person under the age of 18 years residing
36 with the deceased parent at the time of death to whom the deceased parent or the surviving
37 parent stood in loco parentis, every such child shall be entitled to receive an allowance of five
38 thousand dollars (\$5,000) for the child's support for the year next ensuing the death of the
39 parent. The allowance shall be in addition to the child's share of the deceased parent's estate and
40 shall be exempt from any lien by judgment or execution against the property of the deceased
41 parent. The personal representative of the deceased parent shall, within one year after the
42 parent's death, assign to every such child the allowance herein provided for; but if there is no
43 personal representative or if the personal representative fails or refuses to act within 10 days
44 after written application by a guardian or next friend on behalf of the child, the allowance may
45 be assigned by a magistrate or clerk of court upon application.

46 If the child resides with the surviving spouse of the deceased parent at the time the
47 allowance is paid, the allowance shall be paid to the surviving spouse for the benefit of the
48 child. If the child resides with its surviving parent who is other than the surviving spouse of the
49 deceased parent, the allowance shall be paid to the surviving parent for the use and benefit of
50 the child. The payment shall be made regardless of whether the deceased died testate or
51 intestate or whether the surviving spouse petitioned for an elective share under Article 1A of

1 Chapter 30 of the General Statutes. Provided, however, the allowance shall not be available to
2 ~~an illegitimate child of a deceased father, a deceased father's child born out of wedlock,~~ unless
3 the deceased father has recognized the paternity of the ~~illegitimate child~~ by deed, will, or other
4 paper-writing. If the child does not reside with a surviving spouse or a surviving parent when
5 the allowance is paid, the allowance shall be paid to the child's general guardian, if any, and if
6 none, to the clerk of the superior court who shall receive and disburse the allowance for the
7 benefit of the child."

8 **SECTION 14.** G.S. 31-5.5 reads as rewritten:

9 "**§ 31-5.5. After-born or after-adopted child; ~~illegitimate child~~; children born out of**
10 **wedlock; effect on will.**

11 (a) A will shall not be revoked by the subsequent birth of a child to the testator, or by
12 the subsequent adoption of a child by the testator, or by the subsequent entitlement of an
13 after-born ~~illegitimate child born out of wedlock~~ to take as an heir of the testator pursuant to the
14 provisions of G.S. 29-19(b), but any after-born, after-adopted or entitled after-born ~~illegitimate~~
15 child born out of wedlock shall have the right to share in the testator's estate to the same extent
16 the after-born, after-adopted, or entitled after-born ~~illegitimate child born out of wedlock~~ would
17 have shared if the testator had died intestate unless:

- 18 (1) The testator made some provision in the will for the child, whether adequate
19 or not;
- 20 (2) It is apparent from the will itself that the testator intentionally did not make
21 specific provision therein for the child;
- 22 (3) The testator had children living when the will was executed, and none of the
23 testator's children actually take under the will;
- 24 (4) The surviving spouse receives all of the estate under the will; or
- 25 (5) The testator made provision for the child that takes effect upon the death of
26 the testator, whether adequate or not.

27 (b) The provisions of G.S. 28A-22-2 shall be construed as being applicable to
28 after-adopted children and to after-born children, whether legitimate or entitled
29 ~~illegitimate children born out of wedlock.~~

30 (c) The terms "after-born," "after-adopted" and "entitled after-born" as used in this
31 section refer to children born, adopted or entitled subsequent to the execution of the will."

32 **SECTION 15.** The title of Chapter 49 of the General Statutes reads as rewritten:

33 **"Chapter 49.**

34 **Bastardy. Children Born Out of Wedlock.**"

35 **SECTION 16.** The title of Article 1 of Chapter 49 of the General Statutes reads as
36 rewritten:

37 "Article 1.

38 Support of ~~Illegitimate Children.~~Children Born Out of Wedlock."

39 **SECTION 17.** G.S. 49-2 reads as rewritten:

40 "**§ 49-2. Nonsupport of ~~illegitimate child~~ born out of wedlock by parents made**
41 **misdemeanor.**

42 Any parent who willfully neglects or who refuses to provide adequate support and maintain
43 his or her ~~illegitimate child born out of wedlock~~ shall be guilty of a Class 2 misdemeanor. A
44 child within the meaning of this Article shall be any person less than 18 years of age and any
45 person whom either parent might be required under the laws of North Carolina to support and
46 maintain if ~~such the~~ child were the legitimate child of ~~such the~~ parent."

47 **SECTION 18.** G.S. 49-4 reads as rewritten:

48 "**§ 49-4. When prosecution may be commenced.**

49 The prosecution of the reputed father of ~~an illegitimate a child born out of wedlock~~ may be
50 instituted under this Chapter within any of the following periods, and not thereafter:

- 51 (1) Three years next after the birth of the child; or

- 1 (2) Where the paternity of the child has been judicially determined within three
2 years next after its birth, at any time before the child attains the age of 18
3 years; or
4 (3) Where the reputed father has acknowledged paternity of the child by
5 payments for the support thereof within three years next after the birth of
6 ~~such the~~ child, three years from the date of the last payment whether ~~such~~
7 the last payment was made within three years of the birth of ~~such the~~ child or
8 thereafter: Provided, the action is instituted before the child attains the age of
9 18 years.

10 The prosecution of the mother of ~~an illegitimate~~ a child born out of wedlock may be
11 instituted under this Chapter at any time before the child attains the age of 18 years."

12 **SECTION 19.** G.S. 49-6 reads as rewritten:

13 "**§ 49-6. Mother not excused on ground of self-incrimination; not subject to penalty.**

14 No mother of ~~an illegitimate~~ a child born out of wedlock shall be excused, on the ground
15 that it may tend to incriminate her or subject her to a penalty or a forfeiture, from attending and
16 testifying, in obedience to a subpoena of any court, in any suit or proceeding based upon or
17 growing out of the provisions of this Article, but no such mother shall be prosecuted or
18 subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to
19 which, in obedience to a subpoena and under oath, she may so testify."

20 **SECTION 20.** G.S. 49-7 reads as rewritten:

21 "**§ 49-7. Issues and orders.**

22 The court before which the matter may be brought shall determine whether or not the
23 defendant is a parent of the child on whose behalf the proceeding is instituted. After this matter
24 has been determined in the affirmative, the court shall proceed to determine the issue as to
25 whether or not the defendant has neglected or refused to provide adequate support and maintain
26 the child who is the subject of the proceeding. After this matter ~~shall have been~~ has determined
27 in the affirmative, the court shall fix by order, subject to modification or increase from time to
28 time, a specific sum of money necessary for the support and maintenance of the child, subject
29 to the limitations of G.S. 50-13.10. The amount of child support shall be determined as
30 provided in G.S. 50-13.4(c). The order fixing the sum shall require the defendant to pay it
31 either as a lump sum or in periodic payments as the circumstances of the case may appear to the
32 court. The social security number, if known, of the minor child's parents shall be placed in the
33 record of the proceeding. Compliance by the defendant with any or all of the further provisions
34 of this Article or the order or orders of the court requiring additional acts to be performed by
35 the defendant shall not be construed to relieve the defendant of his or her responsibility to pay
36 the sum fixed or any modification or increase thereof.

37 The court before whom the matter may be brought, on motion of the State or the defendant,
38 shall order that the alleged-parent defendant, the known natural parent, and the child submit to
39 any blood tests and comparisons which have been developed and adapted for purposes of
40 establishing or disproving parentage and which are reasonably accessible to the alleged-parent
41 defendant, the known natural parent, and the child. The results of those blood tests and
42 comparisons, including the statistical likelihood of the alleged parent's parentage, if available,
43 shall be admitted in evidence when offered by a duly qualified, licensed practicing physician,
44 duly qualified immunologist, duly qualified geneticist or other duly qualified person. The
45 evidentiary effect of those blood tests and comparisons and the manner in which the expenses
46 therefor are to be taxed as costs shall be as prescribed in G.S. 8-50.1. In addition, if a jury tries
47 the issue of parentage, they shall be instructed as set out in G.S. 8-50.1. From a finding on the
48 issue of parentage against the alleged-parent defendant, the alleged-parent defendant has the
49 same right of appeal as though he or she had been found guilty of the crime of willful failure to
50 support ~~an illegitimate child~~ a child born out of wedlock."

1 to an employee who has been injured shall, when the employee is dead,
2 include also his legal representative, dependents, and other persons to whom
3 compensation may be payable: Provided, further, that any employee, as
4 herein defined, of a municipality, county, or of the State of North Carolina,
5 while engaged in the discharge of his official duty outside the jurisdictional
6 or territorial limits of the municipality, county, or the State of North Carolina
7 and while acting pursuant to authorization or instruction from any superior
8 officer, shall have the same rights under this Article as if such duty or
9 activity were performed within the territorial boundary limits of his
10 employer.

11 Every executive officer elected or appointed and empowered in
12 accordance with the charter and bylaws of a corporation shall be considered
13 as an employee of such corporation under this Article.

14 Any such executive officer of a corporation may, notwithstanding any
15 other provision of this Article, be exempt from the coverage of the
16 corporation's insurance contract by such corporation's specifically excluding
17 such executive officer in such contract of insurance, and the exclusion to
18 remove such executive officer from the coverage shall continue for the
19 period such contract of insurance is in effect, and during such period such
20 executive officers thus exempted from the coverage of the insurance contract
21 shall not be employees of such corporation under this Article.

22 All county agricultural extension service employees who do not receive
23 official federal appointments as employees of the United States Department
24 of Agriculture and who are field faculty members with professional rank as
25 designated in the memorandum of understanding between the North
26 Carolina Agricultural Extension Service, North Carolina State University, A
27 & T State University, and the boards of county commissioners shall be
28 deemed to be employees of the State of North Carolina. All other county
29 agricultural extension service employees paid from State or county funds
30 shall be deemed to be employees of the county board of commissioners in
31 the county in which the employee is employed for purposes of workers'
32 compensation.

33 The term "employee" shall also include members of the Civil Air Patrol
34 currently certified pursuant to ~~G.S. 143B-491(a)~~
35 ~~[G.S. 143B-1031(a)]~~ G.S. 143B-1031(a) when performing duties in the
36 course and scope of a State-approved mission pursuant to ~~Article 11 of~~
37 ~~Chapter 143B [Subpart C of Part 5 of Article 13 of Chapter 143B]~~ Subpart C
38 of Part 5 of Article 13 of Chapter 143B of the General Statutes.

39 "Employee" shall not include any person performing voluntary service as
40 a ski patrolman who receives no compensation for such services other than
41 meals or lodging or the use of ski tow or ski lift facilities or any combination
42 thereof.

43 Any sole proprietor or partner of a business or any member of a limited
44 liability company may elect to be included as an employee under the
45 workers' compensation coverage of such business if he is actively engaged in
46 the operation of the business and if the insurer is notified of his election to
47 be so included. Any such sole proprietor or partner or member of a limited
48 liability company shall, upon such election, be entitled to employee benefits
49 and be subject to employee responsibilities prescribed in this Article.

50 "Employee" shall include an authorized pickup firefighter of the Division
51 of Forest Resources of the Department of Agriculture and Consumer

1 Services when that individual is engaged in emergency fire suppression
2 activities for the Division of Forest Resources. As used in this section,
3 "authorized pickup firefighter" means an individual who has completed
4 required fire suppression training as a wildland firefighter and who is
5 available as needed by the Division of Forest Resources for emergency fire
6 suppression activities, including immediate dispatch to wildfires and standby
7 for initial attack on fires during periods of high fire danger.

8 It shall be a rebuttable presumption that the term "employee" shall not
9 include any person performing services in the sale of newspapers or
10 magazines to ultimate consumers under an arrangement whereby the
11 newspapers or magazines are to be sold by that person at a fixed price and
12 the person's compensation is based on the retention of the excess of the fixed
13 price over the amount at which the newspapers or magazines are charged to
14 the person.

15 ...
16 (5)

17 Average Weekly Wages. – "Average weekly wages" shall mean the earnings
18 of the injured employee in the employment in which he was working at the
19 time of the injury during the period of 52 weeks immediately preceding the
20 date of the injury, including the subsistence allowance paid to veteran
21 trainees by the United States government, provided the amount of said
22 allowance shall be reported monthly by said trainee to his employer, divided
23 by 52; but if the injured employee lost more than seven consecutive calendar
24 days at one or more times during such period, although not in the same
25 week, then the earnings for the remainder of such 52 weeks shall be divided
26 by the number of weeks remaining after the time so lost has been deducted.
27 Where the employment prior to the injury extended over a period of fewer
28 than 52 weeks, the method of dividing the earnings during that period by the
29 number of weeks and parts thereof during which the employee earned wages
30 shall be followed; provided, results fair and just to both parties will be
31 thereby obtained. Where, by reason of a shortness of time during which the
32 employee has been in the employment of his employer or the casual nature
33 or terms of his employment, it is impractical to compute the average weekly
34 wages as above defined, regard shall be had to the average weekly amount
35 which during the 52 weeks previous to the injury was being earned by a
36 person of the same grade and character employed in the same class of
37 employment in the same locality or community.

38 But where for exceptional reasons the foregoing would be unfair, either
39 to the employer or employee, such other method of computing average
40 weekly wages may be resorted to as will most nearly approximate the
41 amount which the injured employee would be earning were it not for the
42 injury.

43 Wherever allowances of any character made to an employee in lieu of
44 wages are specified part of the wage contract, they shall be deemed a part of
45 his earnings.

46 Where a minor employee, under the age of 18 years, sustains a
47 permanent disability or dies leaving dependents surviving, the compensation
48 payable for permanent disability or death shall be calculated, first, upon the
49 average weekly wage paid to adult employees employed by the same
50 employer at the time of the accident in a similar or like class of work which
51 the injured minor employee would probably have been promoted to if not
injured, or, second, upon a wage sufficient to yield the maximum weekly

1 compensation benefit. Compensation for temporary total disability or for the
 2 death of a minor without dependents shall be computed upon the average
 3 weekly wage at the time of the accident, unless the total disability extends
 4 more than 52 weeks, and then the compensation may be increased in
 5 proportion to his expected earnings.

6 In case of disabling injury or death to a volunteer fireman; member of an
 7 organized rescue squad; an authorized pickup firefighter, as defined in
 8 subdivision (2) of this section, when that individual is engaged in emergency
 9 fire suppression activities for the Division of Forest Resources; a duly
 10 appointed and sworn member of an auxiliary police department organized
 11 pursuant to G.S. 160A-282; or senior members of the State Civil Air Patrol
 12 functioning under ~~Article 11 of Chapter 143B [Subpart C of Part 5 of Article~~
 13 ~~13 of Chapter 143B] Subpart C of Part 5 of Article 13 of Chapter 143B~~ of
 14 the General Statutes, under compensable circumstances, compensation
 15 payable shall be calculated upon the average weekly wage the volunteer
 16 fireman, member of an organized rescue squad, authorized pickup firefighter
 17 of the Division of Forest Resources, when that individual is engaged in
 18 emergency fire suppression activities for the Division of Forest Resources,
 19 member of an auxiliary police department, or senior member of the State
 20 Civil Air Patrol was earning in the employment wherein he principally
 21 earned his livelihood as of the date of injury. Provided, however, that the
 22 minimum compensation payable to a volunteer fireman, member of an
 23 organized rescue squad, an authorized pickup firefighter of the Division of
 24 Forest Resources of the Department of Agriculture and Consumer Services,
 25 when that individual is engaged in emergency fire suppression activities for
 26 the Division of Forest Resources, a sworn member of an auxiliary police
 27 department organized pursuant to G.S. 160A-282, or senior members of the
 28 State Civil Air Patrol shall be sixty-six and two-thirds percent (66 2/3%) of
 29 the maximum weekly benefit established in G.S. 97-29.

30 ...

31 (12) Child, Grandchild, Brother, Sister. – The term "child" shall include a
 32 posthumous child, a child legally adopted prior to the injury of the
 33 employee, and a stepchild or acknowledged ~~illegitimate~~ child born out of
 34 wedlock dependent upon the deceased, but does not include married children
 35 unless wholly dependent upon him. "Grandchild" means a ~~child as above~~
 36 ~~defined of a child as above defined.~~ child, as defined in this subdivision, of a
 37 child, as defined in this subdivision. "Brother" and "sister" include
 38 stepbrothers and stepsisters, half brothers and half sisters, and brothers and
 39 sisters by adoption, but does not include married brothers nor married sisters
 40 unless wholly dependent on the employee. "Child," "grandchild," "brother,"
 41 and "sister" include only persons who at the time of the death of the
 42 deceased employee are under 18 years of age.

43"

44 **SECTION 26.** G.S. 130A-119 reads as rewritten:

45 **"§ 130A-119. Clerk of Court to furnish State Registrar with facts as to paternity of**
 46 **illegitimate children born out of wedlock when judicially determined.**

47 Upon the entry of a judgment determining the paternity of ~~an illegitimate child,~~ a child born
 48 out of wedlock, the clerk of court of the county in which the judgment is entered shall notify
 49 the State Registrar in writing of the name of the person against whom the judgment has been
 50 entered, together with the other facts disclosed by the record as may assist in identifying the
 51 record of the birth of the child as it appears in the office of the State Registrar. If the judgment

1 is modified or vacated, that fact shall be reported by the clerk to the State Registrar in the same
2 manner. Upon receipt of the notification, the State Registrar shall record the information upon
3 the birth certificate of the ~~illegitimate~~ child."

4 **SECTION 27.** G.S. 143-166.2(a) and (c) read as rewritten:

5 "(a) The term "dependent child" shall mean any unmarried child of the deceased officer,
6 fireman, rescue squad worker or senior member of the Civil Air Patrol whether natural,
7 adopted, posthumously born or whether ~~an illegitimate~~ a child born out of wedlock as entitled
8 to inherit under the Intestate Succession Act, who is under 18 years of age and dependent upon
9 and receiving his chief support from said officer or fireman or rescue squad worker or senior
10 member of the Civil Air Patrol at the time of his death; provided, however, that if a dependent
11 child is entitled to receive benefits at the time of the officer's or fireman's or rescue squad
12 worker's or senior Civil Air Patrol member's death as hereinafter provided, he shall continue to
13 be eligible to receive such benefits regardless of his age thereafter; and further provided that
14 any child over 18 years of age who is physically or mentally incapable of earning a living and
15 any child over 18 years of age who was enrolled as a full-time student at the time of the
16 officer's, the fireman's, the rescue squad worker's or the senior Civil Air Patrol member's death
17 shall so long as he remains a full-time student as defined in the Social Security Act be regarded
18 as a dependent child and eligible to receive benefits under the provisions of this Article.

19 ...

20 (c) The term "killed in the line of duty" shall apply to any law-enforcement officer,
21 fireman, rescue squad worker who is killed or dies as a result of bodily injuries sustained or of
22 extreme exercise or extreme activity experienced in the course and scope of his official duties
23 while in the discharge of his official duty or duties. When applied to a senior member of the
24 Civil Air Patrol as defined in this Article, "killed in the line of duty" shall mean any such senior
25 member of the North Carolina Wing-Civil Air Patrol who is killed or dies as a result of bodily
26 injuries sustained or of extreme exercise or extreme activity experienced in the course and
27 scope of his official duties while engaged in a State requested and approved mission pursuant
28 to ~~Article 11 of Chapter 143B [Article 13 of Chapter 143B]~~ Article 13 of Chapter 143B of the
29 General Statutes. For purposes of this Article, when a law enforcement officer, fireman, rescue
30 squad worker, or senior Civil Air Patrol member dies as the direct and proximate result of a
31 myocardial infarction suffered while on duty or within 24 hours after participating in a training
32 exercise or responding to an emergency situation, the law enforcement officer, fireman, rescue
33 squad worker, or senior Civil Air Patrol member is presumed to have been killed in the line of
34 duty."

35 **SECTION 28.** This act is effective when it becomes law.