

Subsec. (c). Pub. L. 101-647, §1301(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 101-647, §1301(a)(1), (2), redesignated subsecs. (c) and (d) as (d) and (e), respectively, and substituted “(c)” for “(b)”. Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101-647, §1301(a)(2), redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

Subsec. (j). Pub. L. 101-647, §1301(a)(4), added subsec. (j).

1988—Subsec. (a). Pub. L. 100-690, §6105(a), substituted “\$100,000, adjusted in accordance with subsection (g) of this section” for “\$50,000”.

Subsec. (a)(4). Pub. L. 100-690, §6105(c), struck out “dependent” before “parent”.

Subsecs. (g), (h). Pub. L. 100-690, §6105(b), added subsecs. (g) and (h).

#### 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 2002 AMENDMENT

Pub. L. 107-196, §2(c), June 24, 2002, 116 Stat. 720, provided that: “The amendments made by this section [amending this section and section 10284 of this title] shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date.”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-56, title VI, §613(b), Oct. 26, 2001, 115 Stat. 370, provided that: “The amendment made by subsection (a) [amending this section] shall apply to any death or disability occurring on or after January 1, 2001.”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-520, §2, Oct. 25, 1992, 106 Stat. 3402, provided that: “The amendments made by section 1 of this Act [amending this section] shall apply with respect to injuries occurring on or after November 29, 1990, using the calculation method used to determine benefits under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10281(a)].”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-647, title XIII, §1303, Nov. 29, 1990, 104 Stat. 4835, provided that: “The amendments made by this title [amending this section and sections 10282 and 10284 of this title] shall take effect upon enactment [Nov. 29, 1990] and shall not apply with respect to injuries occurring before the effective date of such amendments.”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-690, title VI, §6105(e), Nov. 18, 1988, 102 Stat. 4341, provided that: “The amendments made by this section [amending this section and section 10284 of this title] shall take effect on June 1, 1988.”

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1984, and inapplicable with respect to injuries sustained before Oct. 1, 1984, see section 609AA(b)(1) of Pub. L. 98-473, set out as a note under section 10101 of this title.

### § 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.)

#### 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.

#### 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.)

#### CODIFICATION

Section was formerly classified to section 3796a-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90-351 was renumbered section 1204 and is classified to section 10284 of this title.

Another prior section 1203 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 237, 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

2013—Pub. L. 112-239 substituted “who have sustained fatal or catastrophic injury in the line of duty” for “who have died in the line of duty” in section catchline and text.

1998—Pub. L. 105-180 amended text generally. Prior to amendment, text read as follows: “The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty.”

#### 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.

#### TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 10142(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L.

106-113, set out as a note under section 10141 of this title.

### § 10284. Definitions

As used in this subchapter—

(1) “catastrophic injury” means an injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work;

(2) “chaplain” includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(3) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer’s fatal or catastrophic injury, is—

(A) 18 years of age or under;

(B) over 18 years of age and a student as defined in section 8101 of title 5; or

(C) over 18 years of age and incapable of self-support because of physical or mental disability;

(4) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department;

(5) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

(A) a post-injury blood alcohol level of .20 per centum or greater; or

(B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury;

or resulting from drugs or other substances in the body;

(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency),<sup>1</sup> including, but not limited to, police, corrections, probation, parole, and judicial officers;

(7) “member of a rescue squad or ambulance crew” means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that—

(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

<sup>1</sup> So in original. The period probably should not appear.