

ALASKA STATE SENATE



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Sponsor Statement SB 198

**“An Act relating to recovery of civil damages by a peace officer or firefighter;
and providing for an effective date.”**

[Senate Bill 198](#) revises the common law known as the “Firefighter’s Rule”. This rule precludes firefighters and peace officers from recovering civil damages for injuries caused by any negligent act inflicted while on duty. The “Firefighters Rule” does not distinguish between negligent acts requiring the firefighter’s or peace officer’s response from negligent acts that are *unrelated* to the reason the firefighter or peace officer was required to respond.

For example, as currently employed, the “Firefighters Rule” precludes a police officer from suing for damages for injuries suffered as a result of being struck by a drunk driver during the course of transporting a prisoner to the courthouse. This despite the fact that the negligent act, in this case the drunk driving, is unrelated to the duty the officer was performing at the time. Senate bill 198 corrects this incongruity. Yet, on the other hand, this bill does nothing to change the case where the police officer is injured during the course of a pursuit of the drunk driver. This is considered a foreseeable risk associated with the profession and, accordingly, well within that which the “Firefighter’s Rule” should cover.

Therefore, Senate bill 198 makes a distinction between negligence that is related to the reason the firefighter or peace officer is responding and negligence that is unrelated to the reason the firefighter or peace officer is responding. In the first instance, it *does not* allow a civil action. Instead the firefighter or peace officer must rely on the state’s workers compensation system. However, in the case where injury was caused by a negligent act *not related* to the reason for the firefighter or peace officer’s response, then—under this legislation—a civil action can be brought against the at-fault party.