

8/12/62

First Supplement to Memorandum No. 49(1962)

Subject: Study No. 52(L) - Sovereign Immunity (Workmen's
Compensation Benefits for Persons Required or
Requested to Assist Law Enforcement Officers)

Attached (Exhibit I - blue pages) is an extract from the Minutes of the State Bar Committee on Sovereign Immunity. This supplement indicates matters raised by the State Bar Committee that are not listed in Memorandum No. 49(1962).

Section 3365. In the last full line of proposed new Section 3365 to the Labor Code, the word "while" should be inserted before "he is serving or assisting"

Respectfully submitted,

John H. DeMouilly
Executive Secretary

EXHIBIT I

WORKMEN'S COMPENSATION BENEFITS FOR
PERSONS REQUIRED OR REQUESTED TO
ASSIST LAW ENFORCEMENT OFFICERS.

The Committee does not regard the proposed addition and amendment to the Labor Code to constitute a problem in the field of sovereign immunity. However, the Committee sees no objection to the proposed legislation as drafted by the Commission. Inquiry is raised whether the same type of Workman's Compensation protection is or should be extended to persons impressed into duty to fight fire.

In the last full line of the proposed new Section 3365 to the Labor Code, the word "while" should be inserted before "he is serving or assisting * * *".

In view of the fact that the use of Latin has been held to invalidate penal statutes, the Committee suggests that an English substitute be used for the expression "posse comitatus".