§ 63-b. Performance of duty disability retirement; certain county employees. a. A member employed by a county shall be eligible for a performance of duty disability retirement if the county elects to make the benefits provided herein available, as provided for in subdivision d of this section, and such member is a sheriff, deputy sheriff, undersheriff or correction officer.

b. Any sheriff, deputy sheriff, undersheriff, or correction officer as defined in subdivision a of this section, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as the natural and proximate result of an act of any incarcerated individual or any person confined in an institution under the jurisdiction of such county, shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this title, subject to the provisions of section sixty-four of this title.

c. Notwithstanding any provision of this chapter or of any general or special law to the contrary, a member covered by this section who contracts HIV (where there may have been an exposure to a bodily fluid of an incarcerated individual or a person defined in subdivision b of this section as a natural and proximate result of an act of any incarcerated individual or person described in such subdivision b that may have involved transmission of a specified transmissible disease from an incarcerated individual or person described in such subdivision b to the retirement system member), tuberculosis or hepatitis will be presumed to have contracted such disease in the performance or discharge of his or her duties, and will be presumed to be disabled from the performance of his or her duties, unless the contrary be proved by competent evidence.

d. 1. Each county that elects pursuant to the provisions of this subdivision shall pay the cost attributable therefor.

2. The performance of duty disability retirement as defined in subdivisions b and c of this section shall be available only to

sheriffs, deputy sheriffs, undersheriffs and correction officers whose employer elects to provide such benefits by adopting a resolution to such effect and filing a certified copy thereof with the comptroller. Such resolution shall be accompanied by the affidavit of the chief executive officer of the county that the county has received an estimate from the retirement system of the cost of the benefit provided by this section.

3. Such resolution shall apply only to those members as defined in subdivisions a and b of this section.