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HOUSE BILL NO. 838

Offered January 24, 2000

A BILL to amend and reenact § 2.1-133.6 of the Code of Virginia, relating to the Line of Duty Act; probation and parole officers.

Patron—Hamilton

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 2.1-133.6 of the Code of Virginia is amended and reenacted as follows:**

§ 2.1-133.6. (Effective July 1, 2000) Definitions.

For the purposes of this chapter the following words shall have the following meanings:

"Beneficiary" means the spouse of the deceased and such person or persons as are entitled to take under the will of the deceased if testate, or as his heir at law if intestate.

"Deceased" means any person whose death occurs on or after April 8, 1972, as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of ~~this~~ the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a member of any fire company or department or rescue squad which has been recognized by an ordinance or a resolution of the governing body of any county, city or town of ~~this~~ the Commonwealth as an integral part of the official safety program of such county, city or town; a member of the Virginia National Guard or the Virginia State Defense Force while such member is serving in the Virginia National Guard or the Virginia State Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any agent, investigator, or inspector vested with the power to arrest pursuant to § 56-334; any regular or special game warden who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Services hazardous materials officer; any nonfirefighter regional hazardous materials emergency response team member; ~~or~~ any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; *or any probation or parole officer appointed pursuant to § 53.1-143 and any probation officer appointed by the Department of Juvenile Justice whose duties are described in § 16.1-237.*

"Disabled employee" means any person who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent.

"Line of duty" means any action the deceased or disabled employee was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

INTRODUCED

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