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HOUSE BILL NO. 2745

Offered January 12, 2005

A BILL to amend and reenact § 51.1-813 of the Code of Virginia, relating to disability benefits for certain local police departments.

Patron—Bell

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-813 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-813. Disability resulting from activities in discharge of official duties.

A. If any member of a police department of a county, city, or town, other than the City of Richmond, which has a pension plan becomes disabled as a result of activities in the discharge of the member's official duties, the member shall receive, as pension and benefits during such disability, the sum of not less than sixty-six and two-thirds percent of the member's salary until eligible to retire under age and service retirement. The member shall then be retired on the age and service pension as provided in § 51.1-811 equivalent to the pension and benefits for disability provided pursuant to Article 9 (§ 51.1-152 et seq.) of Chapter 1 of Title 51.1. The provisions of this subsection apply whether or not the locality adopts the resolution pursuant to § 51.1-819.

B. Any member of a county, city, or town police department or any sheriff or deputy sheriff who dies or is totally or partially disabled as a result of hypertension or heart disease shall be presumed to have died or become disabled in the line of duty, unless the contrary is shown by a preponderance of competent evidence. To be eligible, or for a beneficiary to be eligible, for retirement, sickness, or other benefit payments based upon such presumption, a member, sheriff, or deputy sheriff shall, before the claim was filed, have had a physical examination and been found free from hypertension or heart disease. The physical examination shall have included such appropriate laboratory and other diagnostic studies as the governing body prescribed and shall have been conducted by physicians whose qualifications were prescribed by the governing body. Any member, sheriff, or deputy sheriff filing a claim for such benefits based upon disability incurred in the line of duty shall, if requested by the governing body, submit to a physical examination by any physician designated by the governing body. The examination may include such tests or studies as may reasonably be prescribed by the designated physician or, in the case of a claim for death benefits, include a postmortem examination to be performed by the medical examiner for the county, city, or town appointed under § 32.1-282. The member or claimant shall have the right to have present at such examination, at his own expense, any qualified physician he may designate.

INTRODUCED

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