

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 109

An Act to amend and reenact § 65.2-102 of the Code of Virginia, relating to workers' compensation coverage for members of the Capitol Police.

[S 615]

Approved March 2, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-102 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-102. Coverage of firefighters and law-enforcement officers in off-duty capacity.

A. Notwithstanding any other provision of law, a claim for workers' compensation benefits shall be deemed to be in the course of employment of any firefighter or law-enforcement officer who, in an off-duty capacity or outside an assigned shift or work location, undertakes any law-enforcement or rescue activity. Nothing in this section shall prohibit an employer from using any defense otherwise available under this title.

B. For purposes of this section:

"Firefighter" means all (i) salaried firefighters, including special forest wardens designated pursuant to § 10.1-1135, emergency medical technicians, lifesaving and rescue squad members, and arson investigators and (ii) volunteer firefighters and lifesaving or rescue squad members, if the governing body of the political subdivision in which the principal office of such volunteer fire company or volunteer lifesaving or rescue squad is located has adopted a resolution acknowledging such volunteer fire company or volunteer lifesaving and rescue squad as employees for purposes of this title.

"Law-enforcement officer" means all (i) members of county, city, town or authority police departments, (ii) sheriffs and deputy sheriffs, (iii) auxiliary or reserve police and auxiliary or reserve deputy sheriffs, if the governing body of the political subdivision in which the principal office of such auxiliary or reserve police and auxiliary or reserve deputy sheriff force is located has adopted a resolution acknowledging such auxiliary or reserve police and auxiliary or reserve deputy sheriffs as employees for purposes of this title, ~~and~~ (iv) members of the State Police Officers' Retirement System, and (v) members of the Capitol Police as described in § 30-34.2:1.