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HOUSE BILL NO. 973**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Finance
on February 10, 2010)

(Patron Prior to Substitute—Delegate Rust)

*A BILL to amend and reenact §§ 9.1-400 and 9.1-403 of the Code of Virginia, relating to the Line of Duty Act; coverage of certain local employees.***Be it enacted by the General Assembly of Virginia:****1. That §§ 9.1-400 and 9.1-403 of the Code of Virginia are amended and reenacted as follows:**

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

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

"Deceased person" means any individual 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 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 police chaplain; a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of 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 regular or special conservation police officer 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 Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; 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.

"Disabled person" means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person 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. The term shall also include any state or local employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

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

§ 9.1-403. Claim for payment; costs.

A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall present his claim to the chief officer, or his designee, of the appropriate division or department that last employed the deceased or disabled person on forms to be provided by the State Comptroller's office.

B. In the case of a police department or a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, the chief officer, or his designee, of such department or office shall investigate and report upon the circumstances surrounding the deceased or disabled person and report his findings to the Comptroller within 10 business days after completion of the investigation. The Comptroller, the Attorney General, or any such chief officer, in his discretion, may submit a request to the Superintendent of the Department of State Police to perform the investigation pursuant to subsection C.

C. In all other cases, upon receipt of the claim the chief officer, or his designee, of the appropriate

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60 division or department shall submit a request to the Superintendent of the Department of the State
61 Police, who shall investigate and report upon the circumstances surrounding the deceased or disabled
62 person, calling upon the additional information and services of any other appropriate agents or agencies
63 of the Commonwealth. The Superintendent, or his designee, shall report his findings to the Comptroller
64 within 10 business days after completion of the investigation. The Department of State Police shall take
65 action to conduct the investigation as expeditiously as possible. The Department shall be reimbursed for
66 the cost of investigations conducted pursuant to this section from the *Line of Duty Death and Health*
67 *Benefits Fund established pursuant to Item 262B of Chapter 3 of the 2006 Acts of Assembly, Special*
68 *Session I provided there are funds sufficient. Otherwise, the Department shall be reimbursed from the*
69 *appropriate employer that last employed the deceased or disabled employee.*

70 D. Within 10 business days of being notified by an employee, or an employee's representative, that
71 such employee is permanently and totally disabled due to a work-related injury suffered in the line of
72 duty, the agency or department employing the disabled person shall provide him with information about
73 the continued health insurance coverage provided under this act and the process for initiating a claim.
74 The employer shall assist in filing a claim, unless such assistance is waived by the employee or the
75 employee's representative.