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SENATE BILL NO. 896

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 65.2-301.1, relating to the Virginia Workers' Compensation Act; injuries to public safety employees arising out of employment.*

Patrons—Reeves, Norment, Ruff and Saslaw

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 65.2-301.1 as follows:

§ 65.2-301.1. Injuries incurred by public safety employees arising out of employment.

A. As used in this section, "public safety employee" means any (i) salaried or volunteer firefighter, paramedic, or emergency medical technician; (ii) member of the State Police Officers' Retirement System; (iii) member of county, city, or town police departments; (iv) sheriff or deputy sheriff; (v) Department of Emergency Management hazardous materials officer; (vi) city sergeant or deputy city sergeant of the City of Richmond; (vii) Virginia Marine Police officer; (viii) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (ix) Capitol Police officer; (x) special agent of the Department of Alcoholic Beverage Control appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (xi) for such period that the Metropolitan Washington Airports Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the police force established and maintained by the Metropolitan Washington Airports Authority; (xii) officer of the police force established and maintained by the Norfolk Airport Authority; (xiii) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (xiv) sworn officer of the police force established and maintained by the Virginia Port Authority; or (xv) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 and employed by any public institution of higher education.

B. An injury incurred by a public safety employee on or after July 1, 2013, in the course of his employment, occurring at a location generally accessible to members of the public that is outside the public safety employee's regular office or otherwise off the regular premises of his employment, shall be deemed to have arisen out of employment if the injury would not have occurred but for the fact that the conditions and obligations of his employment placed the public safety employee at the location where the injury was incurred. In determining whether such an injury arose out of employment, the public safety employee shall not be required to prove that the nature of his employment, or some condition or physical property of the location where the injury was incurred, exposed the claimant to a special, additional, peculiar, or particular risk of injury that is generally not faced by a member of the public. The characterization of the causation of such an injury incurred by a public safety employee as an act of God shall not be a defense to a claim for compensation under this title.

INTRODUCED

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