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SENATE BILL NO. 297

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend and reenact § 9.1-400 of the Code of Virginia, relating to the Line of Duty Act; certain employees of the Department of Corrections.*

Patrons—Lucas; Delegate: Spruill

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-400 of the Code of Virginia is 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.

(Effective until July 1, 2018) "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; *any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10*; 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 emergency medical services agency 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 any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia 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; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

(Effective July 1, 2018) "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; *any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10*; 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 emergency medical services agency 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 any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia

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SB297

59 National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the
60 United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular
61 or special conservation police officer who receives compensation from a county, city, or town or from
62 the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden
63 appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine
64 Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of
65 Emergency Management hazardous materials officer; any other employee of the Department of
66 Emergency Management who is performing official duties of the agency, when those duties are related
67 to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist
68 under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city,
69 or town performing official emergency management or emergency services duties in cooperation with
70 the Department of Emergency Management, when those duties are related to a major disaster or
71 emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of
72 the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared
73 by a local governing body; any nonfirefighter regional hazardous materials emergency response team
74 member; any conservation officer of the Department of Conservation and Recreation commissioned
75 pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of
76 Motor Vehicles appointed pursuant to § 46.2-217.

77 "Disabled person" means any individual who, as the direct or proximate result of the performance of
78 his duty in any position listed in the definition of deceased person in this section, has become mentally
79 or physically incapacitated so as to prevent the further performance of duty where such incapacity is
80 likely to be permanent. The term shall also include any state employee included in the definition of a
81 deceased person who was disabled on or after January 1, 1966.

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