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HOUSE BILL NO. 1905

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to amend the Code of Virginia by adding a section numbered 65.2-402.2, relating to workers' compensation; law-enforcement officers; back, hip, knee, and neck injuries.*

Patrons—Batten and Kory

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. **That the Code of Virginia is amended by adding a section numbered 65.2-402.2 as follows:**
§ 65.2-402.2. Presumption as to death or disability from back, hip, knee, and neck injuries.

A. *For the purposes of this section:*

"Duty belt" means a belt used for the purpose of holding a firearm, handcuffs or other wrist restraints, baton, stun weapon, portable radio, pepper spray, ammunition magazines, tourniquet, and other items related to law-enforcement work.

"Law-enforcement officer" means any of the following persons who have completed five years of service in their position and are required to wear a duty belt as a condition of employment as (i) a member of a county, city, or town police department; (ii) a member of a sheriff's office; (iii) a member of the Department of State Police, the Division of Capitol Police, the Virginia Marine Resources Commission, the Virginia Port Authority, the Department of Wildlife Resources, the Virginia Alcoholic Beverage Control Authority, the Department of Motor Vehicles, or the Department of Conservation and Recreation; (iv) a city sergeant or deputy city sergeant of the City of Richmond; (v) an officer of the police force maintained by the Metropolitan Washington Airports Authority, the Norfolk Airport Authority, or the Virginia Port Authority; and (vi) a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of higher education.

B. *Back, hip, knee, and neck injuries that cause (i) the death of any law-enforcement officer or (ii) any health condition or impairment of any law-enforcement officer resulting in total or partial disability shall be presumed to be occupational diseases, suffered in the line of duty, that are covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.*

C. *Compensation awarded for the presumptions described in subsection B shall include full hospital, surgical, and medical treatment as well as disability indemnity and death benefits, as applicable.*

D. *Persons making claims under this title who rely on such presumptions shall, upon the request of appointing authorities or governing bodies employing such persons, submit to physical examinations (i) conducted by physicians selected by such authorities, bodies, or their representatives and (ii) consisting of such tests and studies as may reasonably be required by such physicians. However, a qualified physician, selected and compensated by the claimant, may, at the election of such claimant, be present at such examination.*

E. *Volunteer law-enforcement chaplains, auxiliary and reserve deputy sheriffs, and auxiliary and reserve police are not included within the coverage of this section.*

INTRODUCED

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