

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 156

*An Act to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 11.1, consisting of sections numbered 2.1-133.5 through 2.1-133.11, and to repeal Article 1.1 (§§ 15.1-136.1 through 15.1-136.7) of Chapter 3 of Title 15.1 of the Code of Virginia, relating to the Line of Duty Act.*

[S 689]

Approved March 10, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 11.1, consisting of sections numbered 2.1-133.5 through 2.1-133.11, as follows:**

*CHAPTER 11.1.*

*LINE OF DUTY ACT.*

*§ 2.1-133.5. Title of chapter.*

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

*§ 2.1-133.6. Definitions.*

*For the purposes of this chapter the following words shall have the following meanings:*

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

*"Deceased" means any person 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 and 65.2-402, as a law-enforcement officer of this Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a member of any fire company or department or rescue squad which has been recognized by an ordinance or a resolution of the governing body of any county, city or town of this 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 agent, investigator, or inspector vested with the power to arrest pursuant to § 56-334; any regular or special game warden 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; or any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.*

*§ 2.1-133.7. Payments to beneficiaries of certain deceased law-enforcement officers, firemen, etc.*

*In gratitude to and in recognition of every deceased for his sacrifice on behalf of the people of this Commonwealth, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be payable out of the general fund of the state treasury.*

*§ 2.1-133.8. Claim for payment.*

*Every beneficiary hereunder shall present his claim to the chief officer, or his designee, of the appropriate division or department which last employed the deceased on forms to be provided by the State Comptroller's office. Such chief officer or his designee shall submit a request to the Superintendent of the Department of the State Police, who shall investigate and report upon the circumstances surrounding the deceased, calling upon the additional information and services of any other appropriate agents or agencies of the Commonwealth. The chief officer, or his designee, shall report his findings to the Comptroller.*

*§ 2.1-133.9. Order of Comptroller.*

*If it appears to the Comptroller that the requirements of this chapter have been satisfied, he shall issue his warrant for the payment out of the general fund of the state treasury the sum of \$25,000 in the aggregate, to the surviving spouse or to such persons and subject to such conditions as may be proper in his administrative discretion. If there is no beneficiary, the Comptroller shall issue such payment to the estate of the deceased.*

*§ 2.1-133.10. Appeal from decision of Comptroller.*

*Any beneficiary aggrieved by the decision of the Comptroller shall present a petition to the court in which the will of the deceased is probated or in which the personal representative of the deceased is qualified or might qualify. The court shall proceed as chancellor without a jury. If it appears to the court that the requirements of this chapter have been satisfied, the judge shall enter an order to that effect. The order shall also direct the Comptroller to issue his warrant for the payment out of the*

*general fund of the state treasury the sum of \$25,000 in the aggregate to such persons and subject to such conditions as may be proper. If there is no beneficiary, the judge shall direct such payment to the estate of the deceased.*

*§ 2.1-133.11. Appeals.*

*Appeals from judgments entered pursuant to this chapter shall be allowed as in chancery matters generally.*

**2. That Article 1.1 (§§ 15.1-136.1 through 15.1-136.7) of Chapter 3 of Title 15.1 of the Code of Virginia is repealed.**