

**Department of Planning and Budget  
2012 Fiscal Impact Statement**

**1. Bill Number:** SB441

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:**    Obenshain

**3. Committee:** Appropriations

**4. Title:**    Special funds for families; Line of Duty Act.

**5. Summary:** This bill creates the “Special Disbursement for Line of Duty Death Fund,” a special fund from which disbursements are made solely at the discretion of the Governor to families of officers killed in the line of duty (as defined by the Line of Duty Act, § 9.1-400, et seq., Code of Virginia).

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** This bill creates a new fund, the “Special Disbursement for Line of Duty Death Fund,” (the Fund) from which disbursements are made to families of officers who are killed in the line of duty and are eligible to receive benefits according to the Line of Duty Act. The bill names the Governor as responsible for administration of the Fund and as having sole discretion for determining disbursements made from the Fund. The bill does not specify the criteria for use by the Governor for determining the amount or cause for disbursement of grants from the Fund.

The bill specifies that the Fund is to consist of monies as appropriated by the General Assembly, or as received by gift, bequest, grant, or donation. No specific amount is designated by the bill for deposit to the Fund; as such the bill has no direct or specified fiscal impact on state appropriations.

As related to the purpose of the Fund created by this bill, several benefits already exist that make payments to beneficiaries of persons killed while serving in the line of duty:

- \$100,000 to the beneficiaries of an individual covered by the Line of Duty Act (§ 9.1-400, et seq., Code of Virginia) when the death occurred on or after January 1, 2006, and the cause of death was determined to be as a direct and proximate result of service in the line of duty;

- \$75,000 to the beneficiaries of an individual covered by the Line of Duty Act (§ 9.1-400, et seq., Code of Virginia) when the death occurred on or before December 31, 2005, and the cause of death was determined to be as a direct and proximate result of service in the line of duty;
- \$25,000 to the beneficiaries of an individual covered by the Line of Duty Act (§ 9.1-400, et seq., Code of Virginia) if the death arose out of and in the course of employment, or was within five years from the date of the claimant's retirement;
- Compensation in accordance with the Workers' Compensation Act (§ 65.2-512, Code of Virginia), including lost wage benefits for up to 500 weeks for eligible dependents, up to \$10,000 in burial expenses, and up to \$1,000 for transportation expenses for the deceased; and
- Expedition of payments owed to assist with burial expenses for individuals covered by the Workers' Compensation Act and/or the Line of Duty Act (as authorized by § 65.2-512 B., Code of Virginia, and Item 258 F. of Chapter 890, 2011 Acts of Assembly, the 2011 Appropriation Act).

It is not known if the disbursements made by the Fund established by this bill would be in addition to, or in lieu of, payments already owed according to current law. If it is interpreted that disbursements from the Fund are to be made in lieu of current death benefit payments owed, it is possible that this bill may result in the avoidance of spending state appropriation on benefits that are otherwise supported by nonstate dollars (gifts, bequests, federal or other nonstate grants, etc). If disbursements are made in lieu of current death benefit payments, a method of notifying the appropriate state agency should be developed to avoid the inadvertent payment of duplicate benefits.

**9. Specific Agency or Political Subdivisions Affected:** Governor, Department of Accounts, Virginia Retirement System, Department of Human Resource Management, state agencies or local entities with personnel covered under the Line of Duty Act.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is identical to HB395, as introduced.

**Date:** 1/16/2012