

16103563D

HOUSE BILL NO. 1193

Offered January 15, 2016

A BILL to amend and reenact § 9.1-400 of the Code of Virginia, relating to the Line of Duty Act; probation and parole officers.

Patron—Carr

Referred to Committee on Appropriations

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; 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 probation or parole officer appointed pursuant to Article 2 (§ 16.1-230 et seq.) of Chapter 11 of Title 16.1 or Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer appointed pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1; 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; 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 probation or parole officer appointed pursuant to Article 2 (§ 16.1-230 et seq.) of Chapter 11 of Title 16.1 or Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer appointed pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1; 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

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

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

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