

H.84

Introduced by Representatives Yantachka of Charlotte, Copeland-Hanzas of  
Bradford, Dunn of Essex, Forguites of Springfield, Parent of St.  
Albans Town, Sibilila of Dover, and Van Wyck of Ferrisburgh

Referred to Committee on

Date:

Subject: Public safety; law enforcement officers; survivors' benefits

Statement of purpose of bill as introduced: This bill proposes to provide the  
same monetary benefit currently available to survivors of firefighters and  
emergency personnel to survivors of law enforcement officers.

An act relating to survivor benefits for law enforcement officers

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. chapter 181 is amended to read:

CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

PERSONNEL AND LAW ENFORCEMENT OFFICERS

§ 3171. DEFINITIONS

~~For purposes of~~ As used in this chapter:

(1) "Board" means the ~~emergency personnel survivors benefit review~~  
~~board~~ Emergency Personnel and Law Enforcement Officers Survivors Benefit  
Review Board.

\* \* \*

(3) "Emergency personnel" means:

(A) firefighters as defined in subdivision 3151(3) of this title;

(B) ambulance service, emergency medical personnel, first responder service, and volunteer personnel as defined in 24 V.S.A. § 2651.

(4) "Line of duty" means:

(A) ~~answering or returning from~~ With respect to emergency personnel:

(i) service in answer to a call of the department or service for a fire; or emergency or training drill, including going to and returning from a fire or emergency or participating in a fire or emergency training drill; or

~~(B)(ii)~~ similar service in another town or district to which the department or service has been called for firefighting or emergency purposes.

(B) With respect to law enforcement officers:

(i) service as a law enforcement officer in answer to a complaint lodged with the department, including going to, returning from, and investigating the complaint or disorder; or

(ii) service under orders from the department or in any emergency for which the law enforcement officer serves as a law enforcement officer.

\* \* \*

1           (7) “Survivor” means a spouse, child, or parent of emergency personnel  
2           or a law enforcement officer.

3           (8) “Law enforcement officer” means a law enforcement officer who  
4           has been certified by the Vermont Criminal Justice Training Council pursuant  
5           to section 2358 of this title.

6           § 3172. EMERGENCY PERSONNEL AND LAW ENFORCEMENT

7                 OFFICERS SURVIVORS BENEFIT REVIEW BOARD

8           (a)(1) There is created the ~~emergency personnel survivors benefit review~~  
9           ~~board~~ Emergency Personnel and Law Enforcement Officers Survivors Benefit  
10           Review Board which shall consist of the ~~state treasurer~~ State Treasurer or  
11           designee, the ~~attorney general~~ Attorney General or designee, the ~~executive~~  
12           ~~director~~ Chief Fire Service Training Officer of the Vermont ~~fire service~~  
13           ~~training council~~ Fire Service Training Council or designee, ~~and the Executive~~  
14           Director of the Vermont Criminal Justice Training Council or designee, one  
15           member of the public to represent the interests of emergency personnel  
16           appointed by the ~~governor~~ Governor for a term of two years, and one member  
17           of the public to represent the interests of law enforcement officers appointed  
18           by the Governor for a term of two years.

19           (2) Survivors of ~~emergency personnel, employed by or who volunteer~~  
20           ~~for the state of Vermont, a county or municipality of the state, or a nonprofit~~  
21           ~~entity which provides services in the state, the following individuals~~ who die in

1 the line of duty or of an occupation-related illness may request the ~~board~~ Board  
2 award a monetary benefit under section 3173 of this title;

3 (A) emergency personnel, employed by or who volunteer for the  
4 State of Vermont, a county or municipality of the State, or a nonprofit entity  
5 that provides services in the State; or

6 (B) law enforcement officers.

7 (3) The ~~board~~ Board shall be responsible for determining whether to  
8 award monetary benefits under section 3173 of this title. A decision to award  
9 monetary benefits shall be made by unanimous vote of the ~~board~~, Board and  
10 shall be made within 60 days after the receipt of all information necessary to  
11 enable the ~~board~~ Board to determine eligibility.

12 (4) The ~~board~~ Board may request any information necessary for the  
13 exercise of its duties under this section. Nothing in this section shall prevent  
14 the ~~board~~ Board from initiating the investigation or determination of a claim  
15 before being requested by a survivor or employer of emergency personnel or a  
16 law enforcement officer.

17 \* \* \*

18 (c) If the ~~board~~ Board decides to award a monetary benefit, the benefit shall  
19 be paid to the surviving spouse or, if the emergency personnel or law  
20 enforcement officer had no spouse at the time of death, to the surviving child,  
21 or equally among surviving children. If the deceased emergency personnel or

1 law enforcement officer is not survived by a spouse or child, the benefit shall  
2 be paid to a surviving parent, or equally between surviving parents. If the  
3 deceased emergency personnel or law enforcement officer is not survived by a  
4 spouse, children, or parents, the ~~board~~ Board shall not award a monetary  
5 benefit under this chapter.

6 \* \* \*

7 § 3173. MONETARY BENEFIT

8 (a) The survivors of emergency personnel or a law enforcement officer who  
9 dies while in the line of duty or from an occupation-related illness may apply  
10 for a payment of \$50,000.00 from the ~~state~~ State.

11 (b) The ~~state treasurer~~ State Treasurer shall disburse from the ~~trust fund~~  
12 Fund established in section 3175 of this title the monetary benefit described in  
13 subsection (a) of this section, and shall adopt necessary procedures for the  
14 disbursement of such funds.

15 \* \* \*

16 § 3175. EMERGENCY PERSONNEL AND LAW ENFORCEMENT  
17 OFFICERS SURVIVORS BENEFIT SPECIAL FUND

18 (a) The Emergency Personnel and Law Enforcement Officers Survivors  
19 Benefit Special Fund is established in the Office of the State Treasurer for the  
20 purpose of the payment of claims distributed pursuant to this chapter. The  
21 Fund shall comprise appropriations made by the General Assembly and

1 contributions or donations from any other source. All balances in the Fund at  
2 the end of the fiscal year shall be carried forward. Interest earned shall remain  
3 in the Fund.

4 (b) [Repealed.]

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on July 1, 2017.