

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred House Bill
3 No. 695 entitled “An act relating to survivor benefits for law enforcement
4 officers” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 Sec. 1. SHORT TITLE

8 This act may be cited as Jessica’s Law.

9 Sec. 2. 20 V.S.A. chapter 181 is amended to read:

10 CHAPTER 181. BENEFITS FOR THE SURVIVORS OF EMERGENCY

11 PERSONNEL

12 § 3171. DEFINITIONS

13 As used in this chapter:

14 (1) “Board” means the Emergency Personnel Survivors Benefit Review
15 Board.

16 (2) “Child” means ~~a natural or legally adopted child~~, regardless of age,
17 the deceased’s biological child, foster child, adoptive child, or stepchild; a
18 child for whom the deceased is listed as a parent on the child’s birth certificate;
19 a legal ward of the deceased; a child of the deceased’s spouse; or a child for
20 whom the deceased had day-to-day responsibilities to care for and financially
21 support at the time of death or when the child was under 18 years of age.

1 (3) “Correctional officer” has the same meaning as in 28 V.S.A. § 3.

2 (4) “Domestic partner” means an individual with whom the deceased
3 had an enduring domestic relationship of a spousal nature at the time of death,
4 provided that at the time of death the deceased and the domestic partner:

5 (A) had shared a residence for at least six consecutive months;

6 (B) were at least 18 years of age;

7 (C) were not married to or considered a domestic partner of another
8 individual;

9 (D) were not related by blood closer than would bar marriage under
10 State law; and

11 (E) had agreed between themselves to be responsible for each other’s
12 welfare.

13 (5) “Firefighter” has the same meaning as in subdivision 3151(3) of this
14 title.

15 (6) “Emergency medical personnel” has the same meaning as in 24
16 V.S.A. § 2651.

17 (7) “Emergency personnel” means:

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

19 (B) ~~emergency medical personnel and volunteer personnel as defined~~
20 ~~in 24 V.S.A. § 2651;~~

21 (C) law enforcement officers; and

1 (D) correctional officers.

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

5 ~~(4)~~(9) “Line of duty” means:

6 ~~(A) answering or returning from~~ With respect to firefighters,
7 emergency medical personnel, and volunteer personnel:

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

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

13 (B) With respect to law enforcement officers:

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

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

19 (C) With respect to correctional officers:

20 (i) supervision or monitoring of inmates in a correctional facility;

1 (ii) supervision or monitoring of one or more persons serving a
2 sentence of incarceration outside a correctional facility; or

3 (iii) supervision or monitoring of a person on parole or probation.

4 (5)(10) “Occupation-related illness” means a disease that directly arises
5 out of, and in the course of, service, including a heart injury or disease
6 symptomatic within 72 hours from the date of last service in the line of duty,
7 which shall be presumed to be incurred in the line of duty.

8 (6)(11) “Parent” means ~~a natural or adoptive parent~~ the deceased’s
9 biological parent, foster parent, adoptive parent, or step parent; an individual
10 who is listed as a parent on the deceased’s birth certificate; a legal guardian of
11 the deceased; or an individual who had day-to-day responsibilities to care for
12 and financially support the deceased when the deceased was under 18 years of
13 age.

14 (12) “Spouse” includes an individual’s domestic partner or civil union
15 partner.

16 (7)(13) “Survivor” means a spouse, child, or parent of deceased
17 emergency personnel.

18 (14) “Volunteer personnel” has the same meaning as in 24 V.S.A.
19 § 2651.

1 § 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW

2 BOARD

3 (a)(1) There is created the Emergency Personnel Survivors Benefit Review
4 Board, which shall consist of the State Treasurer or designee, the Attorney
5 General or designee, the Chief Fire Service Training Officer of the Vermont
6 Fire Service Training Council or designee, ~~and one member of the public to~~
7 ~~represent the interests of emergency personnel appointed by the Governor for a~~
8 ~~term of two years~~ the Chair of the Law Enforcement Advisory Board or
9 designee, and the Commissioner of Corrections or designee.

10 (2) Survivors of emergency personnel, employed by or who volunteer
11 for the State of Vermont, a county or municipality of the State, or a nonprofit
12 entity that provides services in the State, who die in the line of duty or of an
13 occupation-related illness may request the Board award a monetary benefit
14 under section 3173 of this ~~title~~ chapter.

15 (3) The Board shall be responsible for determining whether to award
16 monetary benefits under section 3173 of this chapter. A decision to award
17 monetary benefits shall be made by unanimous vote of the Board and shall be
18 made within 60 days after the receipt of all information necessary to enable the
19 Board to determine eligibility.

20 (4) The Board may request any information necessary for the exercise of
21 its duties under this section. Nothing in this section shall prevent the Board

1 from initiating the investigation or determination of a claim before being
2 requested by a survivor or employer of emergency personnel.

3 * * *

4 (c) If the Board decides to award a monetary benefit, the benefit shall be
5 paid to the surviving spouse or, if the emergency personnel had no spouse at
6 the time of death, to the surviving child, or equally among surviving children.
7 If the deceased emergency personnel is not survived by a spouse or child, the
8 benefit shall be paid to a surviving parent, or equally between surviving
9 parents. If the deceased emergency personnel is not survived by a spouse,
10 children, or parents, the Board shall not award a monetary benefit under this
11 chapter.

12 * * *

13 (f) ~~The member of the public appointed by the Governor shall be entitled to~~
14 ~~per diem compensation authorized under 32 V.S.A. § 1010 for each day spent~~
15 ~~in the performance of his or her duties. [Repealed.]~~

16 § 3173. MONETARY BENEFIT

17 (a) The survivors of emergency personnel who ~~dies~~ die while in the line of
18 duty or from an occupation-related illness may apply for a payment of
19 \$80,000.00 from the State.

20 * * *

1 § 3175. EMERGENCY PERSONNEL SURVIVORS BENEFIT SPECIAL
2 FUND

3 (a) The Emergency Personnel Survivors Benefit Special Fund is
4 established in the Office of the State Treasurer for the purpose of the payment
5 of claims distributed pursuant to this chapter. The Fund shall comprise
6 appropriations made by the General Assembly, amounts transferred by the
7 Emergency Board when the General Assembly is not in session, and
8 contributions or donations from any other source. All balances in the Fund at
9 the end of the fiscal year shall be carried forward. Interest earned shall remain
10 in the Fund.

11 * * *

12 (c) In the event that the balance of the Fund is insufficient to pay monetary
13 benefits awarded by the Board when the General Assembly is not in session,
14 the Emergency Board may, pursuant to its authority under 32 V.S.A. § 133,
15 transfer into the Fund additional amounts necessary to pay the monetary
16 benefits.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2024.

19 and that after passage the title of the bill be amended to read: “An act
20 relating to survivor benefits for law enforcement and correctional officers”

21

1

2 (Committee vote: _____)

3

4

Representative _____

5

FOR THE COMMITTEE