

1 S.89

2 Introduced by Senator Vyhovsky

3 Referred to Committee on Government Operations

4 Date: February 25, 2025

5 Subject: Public safety; survivors' benefits

6 Statement of purpose of bill as introduced: This bill proposes to extend
7 survivors' benefits to survivors of law enforcement officers, Department of
8 Corrections employees, Family Services Division employees, and employees
9 in State-operated therapeutic community residences or inpatient psychiatric
10 hospital units who die while in the line of duty or from an occupation-related
11 illness.

12 An act relating to expanding survivor benefits

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

14 ~~Sec. 1. SHORT TITLE~~

15 ~~This act may be cited as "Jessica's Law."~~

16 Sec. 2. 20 V.S.A. § 3171 is amended to read:

17 § 3171. DEFINITIONS

18 As used in this chapter:

19 ~~_____~~

1 (3) “Emergency personnel” means:

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

3 (B) emergency medical personnel and volunteer personnel as defined

4 in 24 V.S.A. § 2651;

5 (C) law enforcement officers who have been certified by the Vermont

6 Criminal Justice Council pursuant to section 2358 of this title;

7 (D) facility employees of the Department of Corrections and

8 Department of Corrections employees who provide direct security and

9 treatment services to offenders under supervision in the community;

10 (E) classified employees of the Family Services Division of the

11 Department for Children and Families; and

12 (F) classified employees of State-operated therapeutic community

13 residences or inpatient psychiatric hospital units.

14 (4) “Line of duty” means:

15 (A) answering or returning from with respect to firefighters,

16 emergency medical personnel, and volunteer personnel:

17 (i) service in answer to a call of the department or service for a

18 fire or emergency or, including going to and returning from a fire or

19 emergency or participating in a fire or emergency training drill; or

20 (B)(ii) similar service in another town or district to which the

21 department or service has been called for firefighting or emergency purposes.

1 (B) with respect to law enforcement officers:

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

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

8 (C) with respect to covered employees of the Department of
9 Corrections, discharging their duties as employees;

10 (D) with respect to classified employees of the Family Services
11 Division of the Department for Children and Families, discharging their duties
12 as employees; and

13 (E) with respect to classified employees of State-operated therapeutic
14 community residences or inpatient psychiatric hospital units, discharging their
15 duties as employees.

16 * * *

17 Sec. 3. 20 V.S.A. § 3172 is amended to read:

18 § 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW
19 BOARD

20

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

9 (d) Upon a Board decision to award a monetary benefit under this chapter,
10 the Treasurer shall make payment to the beneficiaries as described in
11 subsection (c) of this section. The Treasurer shall have up to one year from
12 the date of receiving the claim to disburse the funds.

13 * * *

14 Sec. 4. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2025.~~

~~§ 1. 20 V.S.A. § 3171 is amended to read:~~

~~§ 3171. DEFINITIONS~~

~~As used in this chapter:~~

~~* * *~~

~~(3) "Emergency personnel" means:~~

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

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

~~(C) law enforcement officers who have been certified by the Vermont Criminal Justice Council pursuant to section 2358 of this title;~~

~~(D) facility employees of the Department of Corrections and Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;~~

~~(E) classified employees of the Family Services Division of the Department for Children and Families, and~~

~~(E) classified family services employees in the Family Services Division of the Department for Children and Families; and~~

~~(F) classified employees of state-operated therapeutic community residences or inpatient psychiatric hospital units.~~

~~(F) classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units.~~

(4) "Line of duty" means:

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

~~(i) service in answer to a call of the department or service for a fire or emergency or, 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 or in response to a disorder, including going to, returning from, and investigating or responding to 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;~~

~~(C) with respect to covered employees of the Department of Corrections, discharging their duties as employees;~~

~~(D) with respect to classified family services employees in the Family Services Division of the Department for Children and Families, discharging their duties as employees; and~~

~~(E) with respect to classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units, discharging their duties as employees.~~

~~***~~

~~Sec. 2. 20 V.S.A. § 3172 is amended to read:~~

~~§ 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW BOARD~~

~~***~~

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

~~(d) Upon a Board decision to award a monetary benefit under this chapter, the Treasurer shall make payment to the beneficiaries as described in subsection (c) of this section. The Treasurer shall have up to one year from the date of receiving the claim to disburse the funds.~~

~~Sec. 2. 20 V.S.A. § 3175 is amended to read:~~

~~§ 3175. EMERGENCY PERSONNEL SURVIVORS BENEFIT SPECIAL FUND~~

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

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

~~***~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2026.~~

Sec. 1. 20 V.S.A. § 3171 is amended to read:

§ 3171. DEFINITIONS

As used in this chapter:

** * **

(3) "Emergency personnel" means:

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

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

(C) law enforcement officers who have been certified by the Vermont Criminal Justice Council pursuant to section 2358 of this title;

(D) facility employees of the Department of Corrections and Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community;

(E) classified family services employees in the Family Services Division of the Department for Children and Families; and

(F) classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units.

(4) "Line of duty" means:

(A) answering or returning from with respect to firefighters, emergency medical personnel, and volunteer personnel:

(i) service in answer to a call of the department or service for a fire or emergency or, 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 or in response to a disorder, including going to, returning from, and investigating or responding to 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;

(C) with respect to covered employees of the Department of Corrections, discharging their duties as employees;

(D) with respect to classified family services employees in the Family Services Division of the Department for Children and Families, discharging their duties as employees; and

(E) with respect to classified medical employees of State-operated therapeutic community residences or inpatient psychiatric hospital units, discharging their duties as employees.

* * *

Sec. 2. 20 V.S.A. § 3172 is amended to read:

§ 3172. EMERGENCY PERSONNEL SURVIVORS BENEFIT REVIEW BOARD

(a)(1) There is created the Emergency Personnel Survivors Benefit Review Board, which shall consist of the State Treasurer or designee, the Attorney General or designee, the Chief Fire Service Training Officer of the Vermont Fire Service Training Council or designee, and one member of the public to represent the interests of emergency personnel appointed by the Governor for a term of two years.

(2) Survivors of emergency personnel, employed by or who volunteer for the State of Vermont, a county or municipality of the State, or a nonprofit entity that provides services in the State, who die in the line of duty or of an occupation-related illness may request the Board award a monetary benefit under section 3173 of this title chapter, except survivors of emergency personnel as defined in subdivisions 3171(3)(C)–(F) of this chapter may request the monetary benefit only for deaths that occur on or after July 1, 2026.

(3) The Board shall be responsible for determining whether to award monetary benefits under section 3173 of this chapter. To assist the Board with applications involving deaths from occupation-related illness, the Board may pay reasonable fees from the Emergency Personnel Survivors Benefit Special Fund for a medical expert and other services as necessary to review applications and make recommendations to the Board.

(4) A decision to award monetary benefits shall be made by unanimous vote of the Board and shall be made within 60 days after the receipt of all information necessary to enable the Board to determine eligibility.

(5) The Board may request any information necessary for the exercise of its duties under this section. Nothing in this section shall prevent the Board from initiating the investigation or determination of a claim before being requested by a survivor or employer of emergency personnel.

* * *

Sec. 3. 20 V.S.A. § 3175 is amended to read:

*§ 3175. EMERGENCY PERSONNEL SURVIVORS BENEFIT SPECIAL
FUND*

(a) The Emergency Personnel Survivors Benefit Special Fund is established in the Office of the State Treasurer for the purpose of the payment of claims distributed pursuant to this chapter. The Fund shall comprise ~~appropriations~~ transfers made by the General Assembly, amounts transferred by the Emergency Board when the General Assembly is not in session, and contributions or donations from any other source. Expenses incurred pursuant to subdivision 3172(a)(3) of this chapter shall be paid from the Fund. All balances in the Fund at the end of the fiscal year shall be carried forward. Interest earned shall remain in the Fund.

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

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.