



VERMONT LEGISLATIVE  
**Joint Fiscal Office**

1 Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • <https://lfo.vermont.gov>

**Fiscal Note**

February 27, 2025

Chris Rupe, Associate Fiscal Officer

**H.57 – An act relating to survivor benefits for law enforcement officers**

As recommended by the House Committee on General and Housing<sup>1</sup>

**Bill Summary**

This bill, as recommended by the House Committee on General and Housing,<sup>2</sup> would expand eligibility for the \$80,000 benefit offered by the Emergency Personnel Survivors Benefits Special Fund to include survivors of correctional officers and law enforcement officers who die in the line of duty or from occupation-related illnesses. The bill would also modify the composition of the Emergency Personnel Survivors Benefit Review Board and relevant definitions and require that applications for benefits be submitted within 24 months after the death (absent extenuating circumstances).

**H.57 could lead to higher costs to the Emergency Personnel Survivors Benefit Special Fund (and General Fund) but this is dependent on the frequency of line of duty deaths and applications for benefits from eligible survivors.**

**Fiscal Impact**

By expanding eligibility of survivor benefits to include correctional officers and law enforcement officers, H.57 has the potential to lead to higher costs in future years subject to the occurrence of line of duty deaths, occupation-related illnesses, and applications for survivor benefits. The bill does not propose to increase benefit amounts beyond the \$80,000 in current law, nor does it contain any appropriations or transfers.

**Background and Details**

**Overview of the Emergency Personnel Survivors Benefit**

Under current law, “the survivors of emergency personnel who dies while in the line of duty or from an occupation-related illness may apply for a payment of \$80,000.00 from the State.”<sup>3</sup> This payment is made from the Emergency Personnel Survivors Benefit Special Fund. The Fund is administered by the State Treasurer. The Emergency Personnel Survivors Benefit Review Board is responsible for determining whether to award monetary benefits to applying “survivors of emergency personnel, employed by or who

<sup>1</sup> The Joint Fiscal Office (JFO) is a nonpartisan legislative office dedicated to producing unbiased fiscal analysis – this fiscal note is meant to provide information for legislative consideration, not to provide policy recommendations.

<sup>2</sup> The House Committee on General and Housing recommends that the title of the bill be amended to read “An act relating to survivor benefits for law enforcement and correctional officers.”

<sup>3</sup> 20 V.S.A. §3173(a)

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...”<sup>4</sup> “Emergency personnel” include firefighters as defined by 20 V.S.A. § 3151(3), and emergency medical personnel and volunteer personnel as defined in 24 V.S.A. § 2651. “Survivors” as defined by 20 V.S.A. § 3171 includes spouses, children, or parents.

The Fund is comprised of transfers made by the General Assembly, contributions and donations from any other source, and interest earned on the balance in the Fund (which carries forward at the end of the fiscal year). At the close of fiscal year 2024, the Fund had a balance of \$185,508.<sup>5</sup> Since that point in time, one benefit was awarded and there are two applications currently pending.

Under current law, benefit payments from the Fund occur irregularly and infrequently. According to the Office of the State Treasurer, seven benefits were paid between the Fund’s inception in 2002 and 2016. No benefits were awarded between May 2016 and November 2024, when one benefit was awarded. There are currently two other applications pending. The Office of the State Treasurer has requested, and the Senate included in its proposal of amendment, a \$220,000 transfer to the Fund in the fiscal year 2025 budget adjustment act to have sufficient funds to pay four claims (inclusive of the two pending applications).<sup>6</sup>

### **Current Law and Proposed Changes**

Currently, the benefit extends to survivors of “emergency personnel” defined as firefighters, emergency medical personnel, and volunteer personnel.

H.57 proposes to expand eligibility to survivors of eligible correctional officers and law enforcement officers and updates several definitions. It would also require survivors to apply for benefits within 24 months after the death, absent extenuating circumstances. Proposed changes to definitions are detailed in the table on the following page.

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<sup>4</sup> 20 V.S.A. § 3172(a). The four-member Review Board consists of the State Treasurer, Attorney General, Chief Fire Service Training Officer of the Vermont Fire Service Training Council, and one member of the public to represent the interests of emergency personnel appointed by the Governor for a term of two years.

<sup>5</sup> Fiscal Year 2024 Special Fund Report from the Department of Finance and Management to the Joint Fiscal Committee: <https://ljfo.vermont.gov/assets/Meetings/Joint-Fiscal-Committee/2024-11-06/Special-Fund-Report-FY2024.pdf>

<sup>6</sup> “FY25 Budget Adjustment Act.” Office of the State Treasurer, February 12, 2025. <https://legislature.vermont.gov/Documents/2026/Workgroups/Senate%20Appropriations/FY%202025%20Budget%20Adjustment/General%20Government/W~Michael%20Piecniak~BAA%20Memo~2-18-2025.pdf>

Definitions	Current Law (20 V.S.A. § 3171)	Proposed Changes
Correctional Officer	Not covered.	Covered. Same as 28 V.S.A. § 3:  An employee of the Department of Corrections whose official duties or job classification includes the supervision or monitoring of a person on parole, probation, or serving any sentence of incarceration whether inside or outside a correctional facility, and who has received training, as approved by the Commission of Corrections, as provided in 28 V.S.A. § 551a.
Law Enforcement Officer	Not covered.	Covered. A law enforcement officer who has been certified by the Vermont Criminal Justice Council pursuant to 20 V.S.A. § 2358.
Line of Duty	<ul style="list-style-type: none"> <li>a) Answering or returning from a call of the department for a fire or emergency or training drill; or</li> <li>b) Similar service in another town or district to which the department has been called for firefighting or emergency purposes.</li> </ul>	<p>With respect to firefighters, emergency medical personnel, and volunteer personnel:</p> <ul style="list-style-type: none"> <li>i. Service in answer to a call of the department or service for a fire or emergency, including going to and returning from a fire or emergency or participating in a fire or emergency training drill; or</li> <li>ii. Similar service in another town or district to which the department or service has been called for firefighting or emergency purposes.</li> </ul> <p>With respect to law enforcement officers:</p> <ul style="list-style-type: none"> <li>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</li> <li>ii. Service under orders from the department or in any emergency for which the law enforcement officer serves as a law enforcement officer.</li> </ul> <p>With respect to correctional officers:</p> <ul style="list-style-type: none"> <li>i. Supervision or monitoring of inmates in a correctional facility;</li> <li>ii. Supervision or monitoring of one or more persons serving a sentence of incarceration outside a correctional facility; or</li> <li>iii. Supervision or monitoring of a person on parole or probation.</li> </ul>
Occupation-related illness	A disease that directly arises out of, and in the course of, service, including a heart injury or disease symptomatic within 72 hours from the date of last service in the line of duty, which shall be presumed to be incurred in the line of duty.	No change.

The bill would also make changes to the composition of the Emergency Personnel Survivors Benefit Review Board. It would increase the Board's membership from four to five by removing the member of the public appointed by the Governor and adding the Chair of the Law Enforcement Advisory Board and the Commissioner of Corrections. H.57 would also remove the related language stipulating that the public member be eligible for per diem compensation under 32 V.S.A. § 1010, which would no longer be necessary.

It would permit the Emergency Board to transfer additional amounts to the Fund when the General Assembly is not in session if the Fund's balance is insufficient to pay for awarded benefits. The bill would also allow the State Treasurer to take up to one year from the date the claim is received to disburse funds.

### **Fiscal Considerations**

The changes the bill proposes could increase the number of survivor benefit payments in the future, but it is not possible to accurately forecast the fiscal impact.

- Expanding eligibility could lead to higher costs in future years, subject to the occurrence of line of duty deaths, occupation-related illnesses, and associated applications for benefits from survivors. Any additional demands on the Fund would, in turn, represent a cost pressure on the General Fund.
- Law enforcement and correctional officer line of duty deaths have been relatively uncommon in Vermont. According to the Officer Down Memorial Page, there have been 29 law enforcement line of duty deaths in Vermont's history (including 3 from the Department of Corrections).<sup>7</sup>
- H.57 could lead to additional applications for benefits from newly eligible survivors of correctional officers or law enforcement officers in the near term; however, the impact of this would generally be limited to applications related to deaths that occurred within 24 months of the bill's effective date. JFO is aware of one line of duty death of a Vermont-certified law enforcement officer within the most recent 24 months.
- Removing the per diem compensation for a public member of the Board is not expected to result in material cost savings, as the Board typically meets infrequently and on an as-needed basis.

H.57 does not propose to change the \$80,000 benefit amount nor does it contain any appropriations or transfers. However, the General Assembly will ultimately have to fund the cost of future benefit payments unless they are offset through other means (e.g., contributions, donations, interest).

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<sup>i</sup>The full fiscal note history is available on the fiscal tab of the bill page on the General Assembly website and can be pulled up through a bill number search on the JFO page.

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<sup>7</sup> <https://www.odmp.org/search/browse/vermont>