

2003 RECONVENED SESSION

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SB822ER2

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 9.1-400 of the Code of Virginia, relating to the Line of Duty Act;
3 definitions.

4 [S 822]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 9.1-400 of the Code of Virginia is amended and reenacted as follows:**

8 § 9.1-400. Title of chapter; definitions.

9 A. This chapter shall be known and designated as the Line of Duty Act.

10 B. As used in this chapter, unless the context requires a different meaning:

11 "Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under
12 the will of a deceased person if testate, or as his heirs at law if intestate.

13 "Deceased person" means any individual whose death occurs on or after April 8, 1972, as the direct
14 or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
15 27-40.2, 51.1-813, and 65.2-402, as a law-enforcement officer of the Commonwealth or any of its
16 political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail
17 farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of
18 Richmond; a police chaplain in the City of Virginia Beach; a member of any fire company or
19 department or rescue squad that has been recognized by an ordinance or a resolution of the governing
20 body of any county, city or town of the Commonwealth as an integral part of the official safety program
21 of such county, city or town; a member of the Virginia National Guard or the Virginia State Defense
22 Force while such member is serving in the Virginia National Guard or the Virginia State Defense Force
23 on official state duty or federal duty under Title 32 of the United States Code; any special agent of the
24 Virginia Alcoholic Beverage Control Board; any agent, investigator, or inspector vested with the power
25 to arrest pursuant to § 56-334; any regular or special game warden who receives compensation from a
26 county, city or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any
27 commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of
28 the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any
29 *Department of Emergency Management hazardous materials officer*; any other employee of the
30 Department of Emergency Management ~~hazardous materials officer~~ *who is performing official duties of*
31 *the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16,*
32 *that has been or is later declared to exist under the authority of the Governor in accordance with*
33 *§ 44-146.28; any employee of any county, city, or town performing official emergency management or*
34 *emergency services duties in cooperation with the Department of Emergency Management, when those*
35 *duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later*
36 *declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local*
37 *emergency, as defined in subdivision 6 of § 44-146.16, declared by a local governing body; any*
38 *nonfirefighter regional hazardous materials emergency response team member; or any conservation*
39 *officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.*

40 "Disabled person" means any individual who, as the direct or proximate result of the performance of
41 his duty in any position listed in the definition of deceased person in this section, has become mentally
42 or physically incapacitated so as to prevent the further performance of duty where such incapacity is
43 likely to be permanent.

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