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SENATE BILL NO. 1142

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on January 15, 2025)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 9.1-400.1, 9.1-401, and 9.1-402 through 9.1-404 of the Code of Virginia, relating to Line of Duty Act; campus police officers; private police officers.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-400, 9.1-400.1, 9.1-401, and 9.1-402 through 9.1-404 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall

60 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
61 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
62 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
63 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
64 conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115
65 ; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
66 pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix)
67 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of
68 the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate
69 allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with
70 internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of §
71 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police
72 officer employed by a private police department; or (xiii) person designated as a sworn unit investigator by
73 the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
74 officers who are not full-time employees as defined by the employing police department, sheriff's office, or
75 private police department.

76 "Private police department" means any police department, other than a department that employs police
77 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
78 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
79 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
80 department or represent that it is a private police department unless such entity has been authorized by statute
81 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
82 to this section, provided it complies with the requirements set forth herein. The authority of a private police
83 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
84 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
85 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
86 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
87 shall enter into a memorandum of understanding with the private police department that addresses the duties
88 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
89 criminal investigations. Private police departments and private police officers shall be subject to and comply
90 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
91 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
92 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
93 applicable to private police departments. ~~Any person employed as a private police officer pursuant to this
94 section shall meet all requirements, including the minimum compulsory training requirements, for
95 law enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the
96 Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law
97 enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law
98 Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the
99 Commonwealth or any locality.~~ An authorized private police department may use the word "police" to
100 describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§
101 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013,
102 that was not otherwise established by statute or an act of assembly and whose status as a private police
103 department was recognized by the Department at that time is hereby validated and may continue to operate as
104 a private police department as may such entity's successor in interest, provided it complies with the
105 requirements set forth herein.

106 "*Private police officer*" means a law-enforcement officer who is employed by a private police department
107 and who may exercise the power and duties conferred by law upon such police officers on real property
108 owned, leased, or controlled by the employing entity and, if approved by the local chief of police or sheriff,
109 any contiguous property. *Any person employed as a private police officer pursuant to this section shall meet
110 all requirements, including the minimum compulsory training requirements, for law-enforcement officers
111 pursuant to this chapter. A private police officer is not entitled to benefits under the Virginia Retirement
112 System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the
113 meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be
114 deemed an employee of the Commonwealth or any locality.*

115 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
116 agency to provide law-enforcement and security services to Virginia public elementary and secondary
117 schools.

118 "School security officer" means an individual who is employed by the local school board or a private or
119 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
120 violations of the policies of the school board or the private or religious school, and detaining students

121 violating the law or the policies of the school board or the private or religious school on school property,
 122 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
 123 and welfare of all students, faculty, staff, and visitors in the assigned school.

124 "Unapplied criminal history record information" means information pertaining to criminal offenses
 125 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 126 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 127 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 128 of the submitted information.

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 134 supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and
 135 dissemination of criminal history record information.

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 138 of conviction, and the consequences arising therefrom, in any court.

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 140 person's custodial status, including probation, confinement, work release, study release, escape, or
 141 termination of custody through expiration of sentence, parole, pardon, or court decision.

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 143 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
 144 informations, or other formal charges, and any disposition arising therefrom. The term shall not include
 145 juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal
 146 justice intelligence information, criminal justice investigative information, or correctional status information.

147 "Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as
 148 its principal function performs the administration of criminal justice and any other agency or subunit thereof
 149 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
 150 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
 151 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
 152 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
 153 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
 154 submits reports of compliance with the training standards and (b) the private corporation or agency complies
 155 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
 156 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
 157 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
 158 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§
 159 37.2-900 et seq.).

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 161 18.2-271.2.

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 166 agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of
 167 criminal history record information. The operations of the system may be performed manually or by using
 168 electronic computers or other automated data processing equipment.

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 172 maintaining the information who have both a need and right to know the information.

173 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's
 174 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
 175 full-time or part-time employee of a private police department, and who is responsible for the prevention and
 176 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
 177 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
 178 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
 179 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
 180 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
 181 conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115

182 ; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
183 pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix)
184 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of
185 the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate
186 allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with
187 internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of §
188 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police
189 officer employed by a private police department; or (xiii) person designated as a sworn unit investigator by
190 the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
191 officers who are not full-time employees as defined by the employing police department, sheriff's office, or
192 private police department.

193 "Private police department" means any police department, other than a department that employs police
194 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
195 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
196 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
197 department or represent that it is a private police department unless such entity has been authorized by statute
198 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
199 to this section, provided it complies with the requirements set forth herein. The authority of a private police
200 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
201 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
202 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
203 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
204 shall enter into a memorandum of understanding with the private police department that addresses the duties
205 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
206 criminal investigations. Private police departments and private police officers shall be subject to and comply
207 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
208 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
209 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
210 applicable to private police departments. ~~Any person employed as a private police officer pursuant to this
211 section shall meet all requirements, including the minimum compulsory training requirements, for
212 law enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the
213 Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law
214 enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law
215 Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the
216 Commonwealth or any locality.~~ An authorized private police department may use the word "police" to
217 describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§
218 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013,
219 that was not otherwise established by statute or an act of assembly and whose status as a private police
220 department was recognized by the Department at that time is hereby validated and may continue to operate as
221 a private police department as may such entity's successor in interest, provided it complies with the
222 requirements set forth herein.

223 *"Private police officer" means a law-enforcement officer who is employed by a private police department*
224 *and who may exercise the power and duties conferred by law upon such police officers on real property*
225 *owned, leased, or controlled by the employing entity and, if approved by the local chief of police or sheriff,*
226 *any contiguous property. Any person employed as a private police officer pursuant to this section shall meet*
227 *all requirements, including the minimum compulsory training requirements, for law-enforcement officers*
228 *pursuant to this chapter. A private police officer is not entitled to benefits under the Virginia Retirement*
229 *System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the*
230 *meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be*
231 *deemed an employee of the Commonwealth or any locality.*

232 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
233 agency to provide law-enforcement and security services to Virginia public elementary and secondary
234 schools.

235 "School security officer" means an individual who is employed by the local school board or a private or
236 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
237 violations of the policies of the school board or the private or religious school, and detaining students
238 violating the law or the policies of the school board or the private or religious school on school property,
239 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
240 and welfare of all students, faculty, staff, and visitors in the assigned school.

241 "Sealing" means (i) restricting dissemination of criminal history record information contained in the
242 Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction, in

243 accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations adopted
 244 pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting dissemination of
 245 court records related to an arrest, charge, or conviction, unless such dissemination is authorized by a court
 246 order for one or more of the purposes set forth in § 19.2-392.13.

247 "Unapplied criminal history record information" means information pertaining to criminal offenses
 248 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 249 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 250 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 251 of the submitted information.

252 **§ 9.1-400. Title of chapter; definitions.**

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

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

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

257 "*Contributing nonprofit private institution of higher education*" means a nonprofit private institution of
 258 higher education, as defined in § 23.1-100, that has (i) established a campus police department pursuant to §
 259 23.1-810 and (ii) made an irrevocable election to provide the benefits under this chapter and to fund the cost
 260 by participating in the Fund.

261 "*Contributing private police department*" means a private police department that has made an
 262 irrevocable election to provide the benefits under this chapter and to fund the cost by participating in the
 263 Fund.

264 "Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty
 265 as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1,
 266 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as (i) a
 267 law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees
 268 designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the
 269 Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal
 270 behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations
 271 unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal
 272 behavior affecting the operations of a state or nonstate agency; (ii) a correctional officer as defined in §
 273 53.1-1; (iii) a jail officer; (iv) a regional jail or jail farm superintendent; (v) a sheriff, deputy sheriff, or city
 274 sergeant or deputy city sergeant of the City of Richmond; (vi) a police chaplain; (vii) a member of any fire
 275 company or department or emergency medical services agency that has been recognized by an ordinance or a
 276 resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the
 277 official safety program of such county, city, or town, including a person with a recognized membership status
 278 with such fire company or department who is enrolled in a Fire Service Training course offered by the
 279 Virginia Department of Fire Programs or any fire company or department training required in pursuit of
 280 qualification to become a certified firefighter; (viii) a member of any fire company providing fire protection
 281 services for facilities of the Virginia National Guard or the Virginia Air National Guard; (ix) a member of the
 282 Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National
 283 Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States
 284 Code; ~~any~~ (x) a special agent of the Virginia Alcoholic Beverage Control Authority; ~~any~~ (xi) a regular or
 285 special conservation police officer who receives compensation from a county, city, or town or from the
 286 Commonwealth appointed pursuant to the provisions of § 29.1-200; ~~any~~ (xii) a commissioned forest warden
 287 appointed under the provisions of § 10.1-1135; ~~any~~ (xiii) a member or employee of the Virginia Marine
 288 Resources Commission granted the power of arrest pursuant to § 28.2-900; ~~any~~ (xiv) a Department of
 289 Emergency Management hazardous materials officer; *and* any other employee of the Department of
 290 Emergency Management who is performing official duties of the agency, when those duties are related to a
 291 major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the
 292 authority of the Governor in accordance with § 44-146.28; ~~any~~ (xv) an employee of any county, city, or town
 293 performing official emergency management or emergency services duties in cooperation with the Department
 294 of Emergency Management, when those duties are related to a major disaster or emergency, as defined in §
 295 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with §
 296 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; ~~any~~ (xvi) a
 297 nonfirefighter regional hazardous materials emergency response team member; ~~any~~ (xvii) a conservation
 298 officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; ~~or any~~
 299 (xviii) a full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
 300 pursuant to § 46.2-217; (xix) a campus police officer employed by a contributing nonprofit private institution
 301 of higher education; or (xx) a private police officer employed by a contributing private police department.

302 "Disabled person" means any individual who has been determined to be mentally or physically
 303 incapacitated so as to prevent the further performance of his duties at the time of his disability where such

304 incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct
 305 proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2,
 306 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed
 307 in the definition of deceased person in this section. "Disabled person" does not include any individual who
 308 has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person"
 309 includes any state employee included in the definition of a deceased person who was disabled on or after
 310 January 1, 1966.

311 "Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural
 312 or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's
 313 eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to,
 314 or no later than six months after, the time of the employee's death or disability and that any such adopted
 315 child is (i) adopted prior to, or no later than six months after, the time of the employee's death or disability or
 316 (ii) adopted more than six months after the employee's death or disability if the adoption is pursuant to a
 317 preadoptive agreement entered into prior to, or no later than six months after, the death or disability.
 318 Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children
 319 of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the
 320 time of the employee's death or disability, but prior to July 1, 2017. Eligibility will continue until the end of
 321 the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible
 322 based on the Virginia Administrative Code or administrative guidance as determined by the Department of
 323 Human Resource Management.

324 "Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a
 325 deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the
 326 eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased
 327 person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia
 328 Administrative Code or administrative guidance as determined by the Department of Human Resource
 329 Management.

330 "Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries
 331 would be covered under the benefits of this chapter if the person became a disabled person or a deceased
 332 person.

333 "Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a
 334 volunteer who is a member of any fire company or department or rescue squad described in the definition of
 335 "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or
 336 department or rescue squad as an integral part of the official safety program of such locality.

337 "Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

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

340 "LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

341 "Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth
 342 that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

343 "Participating employer" means any employer that is a state agency or is a political subdivision of the
 344 Commonwealth that did not make an election to become a nonparticipating employer.

345 "*Private police officer*" means the same as that term is defined in § 9.1-101.

346 "*Private police department*" means the same as that term is defined in § 9.1-101.

347 "VRS" means the Virginia Retirement System.

348 *C. Nothing in this chapter shall be construed as applying to any nonprofit private institution of higher*
 349 *education, as defined in § 23.1-100, that is not a contributing nonprofit private institution of higher education*
 350 *or any private police department that is not a contributing private police department.*

351 **§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.**

352 A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty Death and
 353 Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the General Assembly;
 354 contributions or reimbursements from participating and nonparticipating employers, *from contributing*
 355 *nonprofit private institutions of higher education, and from contributing private police departments;* gifts,
 356 bequests, endowments, or grants from the United States government or its agencies or instrumentalities;
 357 net income from the investment of moneys held in the Fund; and any other available sources of funds, public
 358 and private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund
 359 but shall remain in the Fund. Interest and income earned from the investment of such moneys shall remain in
 360 the Fund and be credited to it. The moneys in the Fund shall be (i) deemed separate and independent trust
 361 funds, (ii) segregated and accounted for separately from all other funds of the Commonwealth, and (iii)
 362 administered solely in the interests of the persons who are covered under the benefits provided pursuant to
 363 this chapter. Deposits to and assets of the Fund shall not be subject to the claims of creditors.

364 B. The Virginia Retirement System shall invest, reinvest, and manage the assets of the Fund as provided

365 in § 51.1-124.39 and shall be reimbursed from the Fund for such activities as provided in that section.

366 C. The Fund shall be used to provide the benefits under this chapter related to disabled persons, deceased
 367 persons, eligible dependents, and eligible spouses on behalf of participating employers, *contributing*
 368 *nonprofit private institutions of higher education, and contributing private police departments* and to pay
 369 related administrative costs.

370 D. Each participating employer, *contributing nonprofit private institution of higher education, and*
 371 *contributing private police department* shall make annual contributions to the Fund and provide information
 372 as determined by VRS. The amount of the contribution for each participating employer, *contributing*
 373 *nonprofit private institution of higher education, and contributing private police department* shall be
 374 determined on a current disbursement basis in accordance with the provisions of this section. For purposes of
 375 establishing contribution amounts for participating employers, a member of any fire company or department
 376 or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any
 377 locality of the Commonwealth as an integral part of the official safety program of such locality shall be
 378 considered part of the locality served by the company, department, or rescue squad. If a company,
 379 department, or rescue squad serves more than one locality, the affected localities shall determine the basis
 380 and apportionment of the required covered payroll and contributions for each company, department, or rescue
 381 squad.

382 If any participating employer, *contributing nonprofit private institution of higher education, or*
 383 *contributing private police department* fails to remit contributions or other fees or costs associated with the
 384 Fund, VRS shall inform the State Comptroller and the affected participating employer, *contributing nonprofit*
 385 *private institution of higher education, or contributing private police department* of the delinquent amount. In
 386 calculating the delinquent amount, VRS may impose an interest rate of one percent per month of
 387 delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any
 388 moneys otherwise distributable to such participating employer. *In the case of a contributing nonprofit private*
 389 *institution of higher education or a contributing private police department, VRS may employ reasonable*
 390 *methods to collect the delinquent amount, including the procedures set forth in the Virginia Debt Collection*
 391 *Act (§ 2.2-4800 et seq.).*

392 **§ 9.1-401. Continued health insurance coverage for disabled persons, eligible spouses, and eligible**
 393 **dependents.**

394 A. Disabled persons, eligible spouses, and eligible dependents shall be afforded continued health
 395 insurance coverage as provided in this section, the cost of which shall be paid by the nonparticipating
 396 employer to the Department of Human Resource Management or from the Fund on behalf of a participating
 397 employer, *contributing nonprofit private institution of higher education, or contributing private police*
 398 *department*, as applicable. If any disabled person or eligible spouse is receiving the benefits described in this
 399 section and would otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et
 400 seq.) of Title 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health
 401 Benefits Trust Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit
 402 trust fund, in a manner prescribed by VRS.

403 B. 1. The continued health insurance coverage provided by this section for all disabled persons, eligible
 404 spouses, and eligible dependents shall be through separate plans, referred to as the LODA Health Benefits
 405 Plans (the Plans), administered by the Department of Human Resource Management. The Plans shall comply
 406 with all applicable federal and state laws and shall be modeled upon state employee health benefits program
 407 plans. Funding of the Plans' reserves and contingency shall be provided through a line of credit, the amount
 408 of which shall be based on an actuarially determined estimate of liabilities. The Department of Human
 409 Resource Management shall be reimbursed for health insurance premiums and all reasonable costs incurred
 410 and associated, directly and indirectly, in performing the duties pursuant to this section (i) from the Line of
 411 Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible
 412 dependents, and eligible spouses on behalf of participating employers, *contributing nonprofit private*
 413 *institutions of higher education, and contributing private police departments* and (ii) from a nonparticipating
 414 employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and
 415 eligible spouses for which the nonparticipating employer is responsible. If any nonparticipating employer
 416 fails to remit such premiums and costs, the Department of Human Resource Management shall inform the
 417 State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the
 418 delinquent amount, the Department of Human Resource Management may impose an interest rate of one
 419 percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount,
 420 plus interest, from any moneys otherwise distributable to such nonparticipating employer.

421 2. In the event that temporary health care insurance coverage is needed for disabled persons, eligible
 422 spouses, and eligible dependents during the period of transition into the LODA Health Benefits Plans, the
 423 Department of Human Resource Management is authorized to acquire and provide temporary transitional
 424 health insurance coverage. The type and source of the transitional health plans shall be within the sole
 425 discretion of the Department of Human Resource Management. Transitional coverage for eligible dependents

426 shall comply with the eligibility criteria of the transitional plans until enrollment in the LODA Health
427 Benefits Plan can be completed.

428 C. 1. a. Except as provided in subdivision 2 and any other law, continued health insurance coverage in any
429 LODA Health Benefits Plans shall not be provided to any person (i) whose coverage under the Plan is based
430 on a deceased person's death or a disabled person's disability occurring on or after July 1, 2017 and (ii) who is
431 eligible for Medicare due to age.

432 b. Coverage in the LODA Health Benefits Plans shall also cease for any person upon his death.

433 2. The provisions of subdivision 1 a shall not apply to any disabled person who is eligible for Medicare
434 due to disability under Social Security Disability Insurance or a Railroad Retirement Board Disability
435 Annuity. The Department of Human Resource Management may provide such disabled person coverage
436 under a LODA Health Benefits Plan that is separate from the plan for other persons.

437 3. Continued health insurance under this section shall also terminate upon the disabled person's return to
438 full duty in any position listed in the definition of deceased person in § 9.1-400. Such disabled person shall
439 promptly notify the participating or nonparticipating employer, *the contributing nonprofit private institution*
440 *of higher education, or the contributing private police department and VRS*; and the Department of Human
441 Resource Management upon his return to work.

442 4. Such continued health insurance shall be suspended for the Plan year following a calendar year in
443 which the disabled person whose coverage under the Plan is based on a disability occurring on or after July 1,
444 2017, has earned income in an amount equal to or greater than the salary of the position held by the disabled
445 person at the time of disability, indexed annually based upon the annual increases in the United States
446 Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of
447 Labor Statistics of the U.S. Department of Labor. Such suspension shall cease the Plan year following a
448 calendar year in which the disabled person has not earned such amount of income. The disabled person shall
449 notify the participating or nonparticipating employer, *the contributing nonprofit private institution of higher*
450 *education, or the contributing private police department and VRS*; and the Department of Human Resource
451 Management no later than March 1 of the year following any year in which he earns income of such amount;
452 and shall notify the participating or nonparticipating employer, *the contributing nonprofit private institution*
453 *of higher education, or the contributing private police department and VRS*; and the Department of Human
454 Resource Management when he no longer is earning such amount. Upon request, a disabled person shall
455 provide VRS and the Department of Human Resource Management with documentation of earned income.

456 **§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc.,**
457 **and retirees.**

458 A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in
459 the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the
460 sum of \$75,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a
461 participating employer, *a contributing nonprofit private institution of higher education, or a contributing*
462 *private police department*, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the
463 people of the Commonwealth.

464 B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the
465 line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the
466 sum of \$100,000, which shall be paid by the nonparticipating employer, *the contributing nonprofit private*
467 *institution of higher education, or the contributing private police department* or from the Fund on behalf of a
468 participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the
469 people of the Commonwealth.

470 C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's death (i)
471 arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his
472 beneficiary shall be entitled to receive the sum of \$25,000 or, if the deceased person's death occurred on or
473 after January 1, 2025, \$75,000, which shall be paid by the nonparticipating employer or from the Fund on
474 behalf of a participating employer, *a contributing nonprofit private institution of higher education, or a*
475 *contributing private police department*, as applicable. *For a campus police officer employed by a*
476 *contributing nonprofit private institution of higher education or a private police officer employed by a*
477 *contributing private police department, such officer's date of retirement shall be determined by VRS in*
478 *consultation with the contributing nonprofit private institution of higher education or the contributing private*
479 *police department, respectively.*

480 **§ 9.1-402.1. Payments for burial expenses.**

481 It is the intent of the General Assembly that expeditious payments for burial expenses be made for
482 deceased persons whose death is determined to be a direct and proximate result of their performance in the
483 line of duty as defined by the Line of Duty Act. Upon the approval of VRS, at the request of the family of a
484 person who may be subject to the line of duty death benefits, payments shall be made to a funeral service
485 provider for burial and transportation costs by the nonparticipating employer or from the Fund on behalf of a
486 participating employer, *a contributing nonprofit private institution of higher education, or a contributing*

487 *private police department*, as applicable. These payments would be advanced from the death benefit that
 488 would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of
 489 duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in §
 490 65.2-512. In the event *that* a determination is made that the death is not subject to the line of duty benefits (i)
 491 *in the case of an employer that is a state agency or political subdivision of the Commonwealth*, VRS or other
 492 Virginia governmental retirement fund of which the deceased is a member will deduct from benefit payments
 493 otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and related
 494 transportation expenses and return such funds to the nonparticipating employer or to the Fund on behalf of a
 495 participating employer, as applicable, and (ii) *in the case of a contributing nonprofit private institution of*
 496 *higher education or a contributing private police department*, VRS (a) will deduct from benefit payments
 497 otherwise due to be paid to the beneficiaries of the deceased payments previously paid for burial and related
 498 transportation expenses and return such funds to the Fund and (b) may employ reasonable methods,
 499 including the procedures set forth in the Virginia Debt Collection Act (§ 2.2-4800 et seq.), to recover from
 500 the deceased person's estate any payments previously paid for burial and related transportation expenses and
 501 return such funds to the Fund. The Virginia Retirement System shall have the right to file a claim with the
 502 Virginia Workers' Compensation Commission against any employer to recover burial and related
 503 transportation expenses advanced under this provision.

504 **§ 9.1-403. Claim for payment; costs.**

505 A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall
 506 present his claim to the chief officer, or his designee, of the employer for which the disabled or deceased
 507 person last worked on forms to be provided by VRS. Upon receipt of a claim, the chief officer or his designee
 508 shall forward the claim to VRS within seven days. The Virginia Retirement System shall determine eligibility
 509 for benefits under this chapter. The Virginia Retirement System may request assistance in obtaining
 510 information necessary to make an eligibility determination from the Department of State Police. The
 511 Department of State Police shall take action to conduct the investigation as expeditiously as possible. The
 512 Department of State Police shall be reimbursed from the Fund or the nonparticipating employer, as
 513 applicable, for the cost of searching for and obtaining information requested by VRS. The Virginia
 514 Retirement System shall be reimbursed for the reasonable costs incurred for making eligibility determinations
 515 by nonparticipating employers or from the Fund on behalf of participating employers, *contributing nonprofit*
 516 *private institutions of higher education, or contributing private police departments*, as applicable. If any
 517 nonparticipating employer fails to reimburse VRS for reasonable costs incurred in making an eligibility
 518 determination, VRS shall inform the State Comptroller and the affected nonparticipating employer of the
 519 delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per
 520 month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest,
 521 from any moneys otherwise distributable to such nonparticipating employer.

522 B. 1. Within 10 business days of being notified by an employee, or an employee's representative, that such
 523 employee is permanently and totally disabled due to a work-related injury suffered in the line of duty, the
 524 agency or department employing the employee shall provide him with information about the continued health
 525 insurance coverage provided under this chapter and the process for initiating a claim. The employer shall
 526 assist in filing a claim, unless such assistance is waived by the employee or the employee's representative.

527 2. Within 10 business days of having knowledge that a deceased person's surviving spouse, dependents, or
 528 beneficiaries may be entitled to benefits under this chapter, the employer for which the deceased person last
 529 worked shall provide the surviving spouse, dependents, or beneficiaries, as applicable, with information about
 530 the benefits provided under this chapter and the process for initiating a claim. The employer shall assist in
 531 filing a claim, unless such assistance is waived by the surviving spouse, dependents, or beneficiaries.

532 C. Within 30 days of receiving a claim pursuant to subsection A, an employer may submit to VRS any
 533 evidence that could assist in determining the eligibility of a claim. However, when the claim involves a
 534 presumption under § 65.2-402 or 65.2-402.1, VRS shall provide an employer additional time to submit
 535 evidence as is necessary not to exceed nine months from the date the employer received a claim pursuant to
 536 subsection A. Any such evidence submitted by the employer shall be included in the agency record for the
 537 claim.

538 **§ 9.1-404. Order of the Virginia Retirement System.**

539 A. 1. The Virginia Retirement System shall make an eligibility determination within 45 days of receiving
 540 all necessary information for determining eligibility for a claim filed under § 9.1-403. The Virginia
 541 Retirement System may use a medical board pursuant to § 51.1-124.23 in determining eligibility. If benefits
 542 under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide the benefits
 543 within 15 days of such notice, or VRS shall pay the benefits from the Fund on behalf of the participating
 544 employer, *contributing nonprofit private institution of higher education, or contributing private police*
 545 *department* within 15 days of the determination, as applicable. The payments shall be retroactive to the first
 546 date that the disabled person was no longer eligible for health insurance coverage subsidized by his employer.

547 2. Two years after an individual has been determined to be a disabled person, VRS may require the

548 disabled person to renew the determination through a process established by VRS. If a disabled person
549 refuses to submit to the determination renewal process described in this subdivision, then benefits under this
550 chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the individual
551 complies. If such individual does not comply within six months from the date of the initial request for a
552 renewed determination, then benefits under this chapter shall permanently cease for the individual, any
553 eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual is no
554 longer a disabled person, then benefits under this chapter shall permanently cease for the individual, any
555 eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual remains
556 a disabled person, then VRS may require the disabled person to renew the determination five years after such
557 renewed determination through a process established by VRS. The Virginia Retirement System may require
558 the disabled person to renew the determination at any time if VRS has information indicating that the person
559 may no longer be disabled.

560 3. For any medical review conducted for the purpose of making an eligibility determination pursuant to
561 this section, VRS shall require such review to be conducted by a licensed health practitioner. For purposes of
562 this section, "licensed health practitioner" means a person licensed to practice medicine or osteopathic
563 medicine pursuant to the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, a person licensed to
564 practice nursing pursuant to the provisions of Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1, or a person
565 licensed to practice psychology pursuant to the provisions of Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1.
566 "Licensed health practitioner" includes a person issued a comparable license, as determined by VRS, by the
567 District of Columbia or a state that is contiguous to the Commonwealth.

568 B. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and associated,
569 directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of Duty Death and
570 Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and
571 eligible spouses on behalf of participating employers, *contributing nonprofit private institutions of higher
572 education, and contributing private police departments* and (ii) from a nonparticipating employer for
573 premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses
574 for which the nonparticipating employer is responsible.

575 C. The Virginia Retirement System may develop policies and procedures necessary to carry out the
576 provisions of this chapter.

577 **2. That any nonprofit private institution of higher education, as defined in § 23.1-100 of the Code of**
578 **Virginia, that has established a campus police department pursuant to § 23.1-810 of the Code of**
579 **Virginia or any private police department established on or before the effective date of this act shall**
580 **elect whether it will be a contributing nonprofit private institution of higher education or a**
581 **contributing private police department, respectively, under the Line of Duty Act (§ 9.1-400 et seq. of**
582 **the Code of Virginia), as amended by this act, in the manner and on such forms as prescribed by the**
583 **Virginia Retirement System within 180 days of the effective date of this act. Any nonprofit private**
584 **institution of higher education that establishes a campus police department or any private police**
585 **department established on or after the effective date of this act shall elect whether it will be a**
586 **contributing nonprofit private institution of higher education or a contributing private police**
587 **department, respectively, under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as**
588 **amended by this act, in the manner and on such forms as prescribed by the Virginia Retirement**
589 **System within 180 days of the establishment of the campus police department or private police**
590 **department. Any election made pursuant to this enactment shall be irrevocable and a nonprofit private**
591 **institution of higher education or private police department that does not make an election within the**
592 **time period set forth in this enactment shall be deemed to have made an irrevocable election that such**
593 **institution's campus police officers or such private police department's private police officers will not**
594 **be covered by the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act.**

595 **3. That the provisions of this act shall apply only to campus police officers employed by a contributing**
596 **nonprofit private institution of higher education and private police officers, as defined in § 9.1-400 of**
597 **the Code of Virginia, as amended by this act, whose death or disability occurred on or after the**
598 **effective date of such institution's or private police department's irrevocable election to fund the cost of**
599 **benefits under the Line of Duty Act (§ 9.1-400 et seq. of the Code of Virginia), as amended by this act,**
600 **and to participate in the Line of Duty Death and Health Benefits Trust Fund, established pursuant to §**
601 **9.1-400.1 of the Code of Virginia, as amended by this act.**

602 **4. That each contributing nonprofit private institution of higher education and contributing private**
603 **police department shall pay its pro rata share of the initial costs to implement this act, as determined**
604 **by the Virginia Retirement System.**