

26104235D

HOUSE BILL NO. 491

Offered January 14, 2026

Prefiled January 12, 2026

A BILL to amend and reenact § 9.1-400 of the Code of Virginia, relating to Line of Duty Act; sheriffs and deputy sheriffs.

 Patron—Guzman

Committee Referral Pending

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

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

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

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

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

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

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 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 law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (ii) a correctional officer as defined in § 53.1-1; (iii) a jail officer; (iv) a regional jail or jail farm superintendent; (v) a ~~sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond;~~ (vi) a police chaplain; (vii) a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; (viii) a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; (ix) a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; (x) a special agent of the Virginia Alcoholic Beverage Control Authority; (xi) a regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; (xii) a commissioned forest warden appointed under the provisions of § 10.1-1135; (xiii) a member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; (xiv) a Department of Emergency Management hazardous materials officer, and any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; (xv) an employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; (xvi) a nonfirefighter regional hazardous materials emergency response team member; (xvii) a conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (xviii) a full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;

INTRODUCED

HB491

(xix) a campus police officer employed by a contributing nonprofit private institution of higher education; ~~or~~
(xx) a private police officer employed by a contributing private police department; *or (xxi) a sheriff or deputy sheriff.*

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

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

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

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

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

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

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

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

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

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

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

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

"VRS" means the Virginia Retirement System.

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