

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10422-MRa-124D

Short Title: Increase & Expand Public Safety Death Benefit. (Public)

Sponsors: Representatives Steinburg and K. Hall (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS,
3 FIREFIGHTERS, RESCUE SQUAD WORKERS, AND SENIOR CIVIL AIR PATROL
4 MEMBERS WHO ARE KILLED IN THE LINE OF DUTY, TO EXTEND THIS DEATH
5 BENEFIT TO CERTAIN NONCUSTODIAL EMPLOYEES OF THE DEPARTMENT OF
6 PUBLIC SAFETY, AND TO MAKE TECHNICAL CHANGES TO RELATED
7 STATUTES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 12A of Chapter 143 of the General Statutes reads as
10 rewritten:

11 "Article 12A.

12 "~~Law Enforcement Officers', Firemen's, Rescue Squad Workers' and Civil Air Patrol~~
13 ~~Members'~~Public Safety Employees' Death Benefits Act.

14 "§ 143-166.1. Purpose.

15 In consideration of hazardous public service rendered to the people of this State, there is
16 hereby provided a system of benefits for dependents of law-enforcement officers,
17 ~~firemen, firefighters,~~ rescue squad workers, and senior Civil Air Patrol members killed
18 in the discharge of their official ~~duties, duties,~~ and for dependents of noncustodial employees of
19 the Division of Adult Correction and Juvenile Justice of the Department of Public Safety killed
20 by an individual or individuals in the custody of the Division of Adult Correction and Juvenile
21 Justice of the Department of Public Safety.

22 "§ 143-166.2. Definitions.

23 The following definitions apply in this Article:

24 (a)(1) Covered person. – This term shall apply to all of the following individuals:

25 a. Firefighters.

26 b. Law enforcement officers.

27 c. Noncustodial employees of the Division of Adult Correction and
28 Juvenile Justice of the Department of Public Safety.

29 d. Rescue squad workers.

30 e. Senior Civil Air Patrol members.

31 (2) Custodial employee. – An employee of the Division of Adult Correction and
32 Juvenile Justice of the Department of Public Safety who is a detention
33 officer or a correctional officer or who otherwise has direct care and control
34 over individuals in the custody of the Division of Adult Correction and
35 Juvenile Justice of the Department of Public Safety.



* D R H 1 0 4 2 2 - M R A - 1 2 4 D *

1 (3) ~~The term "dependent child" shall mean any~~Dependent child. – Any
2 unmarried child of the deceased ~~officer, firefighter, rescue squad worker or~~
3 ~~senior member of the Civil Air Patrol~~covered person, whether natural,
4 adopted, posthumously born or whether a child born out of wedlock as
5 entitled to inherit under the Intestate Succession Act, who is under 18 years
6 of age and dependent upon and receiving his or her chief support from ~~said~~
7 ~~officer or firefighter or rescue squad worker or senior member of the Civil~~
8 ~~Air Patrol~~the covered person at the time of ~~his~~the covered person's death;
9 provided, however, that if a dependent child is entitled to receive benefits at
10 the time of the ~~officer's or firefighter's or rescue squad worker's or senior~~
11 ~~Civil Air Patrol member's~~covered person's death as hereinafter provided,
12 ~~he~~the child shall continue to be eligible to receive such benefits regardless of
13 his or her age ~~thereafter; and further provided that~~thereafter. This term also
14 includes any child over 18 years of age who is physically or mentally
15 incapable of earning a ~~living and any~~living. Any child over 18 years of age
16 who was enrolled as a full-time student at the time of the ~~officer's, the~~
17 ~~firefighter's, the rescue squad worker's or the senior Civil Air Patrol~~
18 ~~member's~~covered person's death ~~shall~~shall, so long as ~~he~~the child remains a
19 full-time student as defined in the Social Security ~~Act~~Act, be regarded as a
20 dependent child and eligible to receive benefits under the provisions of this
21 Article.

22 ~~(b)(4)~~ (4) The term "dependent parent" shall mean ~~the~~Dependent parent. – The parent
23 of the deceased ~~officer, firefighter, rescue squad worker or senior member of~~
24 ~~the Civil Air Patrol~~covered person, whether natural or adoptive, who was
25 dependent upon and receiving his or her total and entire support from the
26 ~~officer, firefighter, rescue squad worker or senior member of the Civil Air~~
27 ~~Patrol~~covered person at the time of the injury ~~which~~that resulted in ~~his~~that
28 ~~covered person's~~ death.

29 (5) Firefighter. – This term shall apply to all of the following individuals:

- 30 a. Firefighters as defined in G.S. 58-84-5.
- 31 b. Eligible firefighters as defined in G.S. 58-86-2, notwithstanding any
32 age requirements set out in Article 86 of Chapter 58 of the General
33 Statutes.
- 34 c. Full-time, permanent part-time, and temporary employees of the
35 North Carolina Forest Service of the Department of Agriculture and
36 Consumer Services during the time they are actively engaged in
37 firefighting activities or emergency response activities pursuant to
38 G.S. 166A-19.77.
- 39 d. Full-time employees of the North Carolina Department of Insurance
40 during the time they are actively engaged in firefighting activities
41 and during the time they are training firefighters.
- 42 e. County fire marshals when engaged in the performance of their
43 county duties.
- 44 f. All otherwise eligible individuals who, while actively engaged as
45 firefighters, are acting in the capacity of a fire instructor outside their
46 own department or squad.

47 ~~(e)(6)~~ (6) The term "killed in the line of duty" shall apply to ~~Killed in the line of duty.~~ –
48 This term shall apply to all of the following deaths:

- 49 a. The death of any law-enforcement officer, firefighter, or rescue
50 squad worker who is killed or dies as a result of bodily injuries
51 sustained or ~~of~~ extreme exercise or extreme activity experienced in

- 1 the course and scope of his or her official duties while in the
 2 discharge of his or her official duty or duties.
- 3 b. ~~When applied to~~ The death of a senior member of the Civil Air Patrol
 4 ~~as defined in this Article, "killed in the line of duty" shall mean any~~
 5 ~~such senior member of the North Carolina Wing Civil Air~~
 6 ~~Patrol member who is killed or dies as a result of bodily injuries~~
 7 ~~sustained or of extreme exercise or extreme activity experienced in~~
 8 ~~the course and scope of his or her official duties while engaged in a~~
 9 ~~State requested and approved mission pursuant to Article 13 of~~
 10 ~~Chapter 143B of the General Statutes.~~
- 11 c. The death of a noncustodial employee who, while performing his or
 12 her official duties, is killed in a manner reasonably determined by the
 13 Industrial Commission to be directly caused by an individual or
 14 individuals in the custody of the Division of Adult Correction and
 15 Juvenile Justice of the Department of Public Safety.
- 16 d. ~~For purposes of this Article, when a~~ When the death of a law
 17 enforcement officer, firefighter, rescue squad worker, or senior Civil
 18 Air Patrol member dies occurs as the direct and proximate result of a
 19 myocardial infarction suffered while on duty or within 24 hours after
 20 participating in a training exercise or responding to an emergency
 21 situation, the law enforcement officer, firefighter, rescue squad
 22 worker, or senior Civil Air Patrol member is presumed to have been
 23 killed in the line of duty.
- 24 e. ~~For the purposes of this Article, when~~ When the death of a firefighter
 25 dies occurs as a direct and proximate result of any of the following
 26 cancers that are occupationally related to firefighting, that firefighter
 27 is presumed to have been killed in the line of duty:
- 28 (1)1. Mesothelioma.
 29 (2)2. Testicular cancer.
 30 (3)3. Intestinal cancer.
 31 (4)4. Esophageal cancer.
- 32 (d)(7) The term "law enforcement officer", "officer", or "firefighter" shall mean a
 33 sheriff Law enforcement officer or officer. – This term shall apply to all of
 34 the following individuals:
- 35 a. Sheriffs and all law-enforcement officers employed full-time,
 36 permanent part-time, or temporarily by a sheriff, the State of North
 37 Carolina Carolina, or any county or municipality thereof, whether
 38 paid or unpaid; and all full time unpaid.
- 39 b. Full-time custodial employees and probation and parole officers of
 40 the Division of Adult Correction and Juvenile Justice of the
 41 Department of Public Safety; and all full-time Safety.
- 42 c. Full-time institutional and full-time, permanent part-time, and
 43 temporary detention employees of the Juvenile Justice Section of the
 44 Division of Adult Correction and Juvenile Justice of the Department
 45 of Public Safety and full time, Safety.
- 46 d. Full-time, permanent part-time, and temporary detention officers
 47 employed by any sheriff, county or municipality, whether paid or
 48 unpaid.

49 ~~The term "firemen" shall mean both firefighter or firemen as defined in G.S. 58-84-5(3a), or~~
 50 ~~"eligible firemen" as defined in Article 86 of Chapter 58 of the General Statutes,~~
 51 ~~notwithstanding any age requirements set out in that Article, and all full-time, permanent~~

1 ~~part time and temporary employees of the North Carolina Forest Service of the Department of~~
2 ~~Agriculture and Consumer Services during the time they are actively engaged in firefighting~~
3 ~~activities; or engaged in emergency response activities pursuant to G.S. 166A-19.77; and shall~~
4 ~~mean all full-time employees of the North Carolina Department of Insurance during the time~~
5 ~~they are actively engaged in firefighting activities, during the time they are training firefighters~~
6 ~~or rescue squad workers, and during the time they are engaged in activities as members of the~~
7 ~~State Emergency Response Team, when the Team has been activated; and shall mean all~~
8 ~~otherwise eligible persons who, while actively engaged as firefighters or rescue squad workers,~~
9 ~~are acting in the capacity of a fire or rescue instructor outside their own department or squad.~~

10 (8) Noncustodial employee. – An employee of the Division of Adult Correction
11 and Juvenile Justice of the Department of Public Safety who is not a
12 custodial employee.

13 (9) Official duties. – All duties to which an individual is assigned as part of the
14 individual's job function. This term shall also include those duties performed
15 by an individual while (i) en route to, engaged in, or returning from training;
16 (ii) in the course of responding to, engaged in, or returning from a call by the
17 department of which the individual is a member; or (iii) in the course of
18 responding to, engaged in, or returning from a call for assistance from any
19 department or organization within the State of North Carolina or within a
20 service area contiguous to the borders of the State of North Carolina when
21 served or aided by a department from within the State of North Carolina.
22 While within the State of North Carolina, any covered person who renders
23 service or assistance, of his or her own volition, at the scene of an
24 emergency, is performing his or her official duties when both of the
25 following apply:

26 a. Reasonably apparent circumstances require prompt decisions and
27 actions to protect persons and property.

28 b. The necessity of immediate action is so reasonably apparent that any
29 delay in acting would seriously worsen the property damage or
30 endanger any individual's life.

31 (10) The term "rescue squad worker" shall mean a person who is
32 Rescue squad
33 worker. – This term shall apply to all of the following individuals:

34 a. Individuals who are dedicated to the purpose of alleviating human
35 suffering and assisting anyone who is in difficulty or who is injured
36 or becomes suddenly ill by providing the proper and efficient care or
37 emergency medical services. In addition, ~~this person~~ these individuals
38 must belong to an organized rescue squad ~~which~~ that is eligible for
39 membership in the North Carolina Association of Rescue and
40 Emergency Medical Services, Inc., and ~~the person~~ must have
41 attended a minimum of 36 hours of training in the last calendar year.
42 Each rescue squad belonging to the North Carolina Association of
43 Rescue and Emergency Medical Services, Inc., must file a roster of
44 those members meeting the above requirements with the State
45 Treasurer on or about January 31 of each year, and this roster must
46 be certified to by the secretary of said association.

47 b. In ~~addition, the term "rescue squad worker" shall mean a~~
48 memberMembers of an ambulance service certified by the
49 Department of Health and Human Services pursuant to Article 7 of
50 Chapter 131E of the General Statutes. The Department of Health and
51 Human Services shall furnish a list of ambulance service members to
the State Treasurer on or about January 31 of each year.

- 1 c. County emergency services coordinators when engaged in the
 2 performance of their county duties.
 3 d. Full-time employees of the North Carolina Department of Insurance
 4 during the time they are training rescue squad workers and during the
 5 time they are engaged in activities as members of the State
 6 Emergency Response Team when the State Emergency Response
 7 Team has been activated.
 8 e. All otherwise eligible individuals who, while actively engaged as
 9 rescue squad workers, are acting in the capacity of a rescue instructor
 10 outside their own department or squad.

11 ~~The term "Civil Air Patrol members" shall mean those senior members of the North~~
 12 ~~Carolina Wing Civil Air Patrol 18 years of age or older and currently certified pursuant to~~
 13 ~~G.S. 143B-1031. The term "firefighter" shall also mean county fire marshals when engaged in~~
 14 ~~the performance of their county duties. The term "rescue squad worker" shall also mean county~~
 15 ~~emergency services coordinators when engaged in the performance of their county duties.~~

16 (11) Senior Civil Air Patrol members. – Senior members of the North Carolina
 17 Wing-Civil Air Patrol who are 18 years of age or older and currently
 18 certified pursuant to G.S. 143B-1031.

19 ~~(e)(12) The term "spouse" shall mean the~~Spouse. – The wife or husband of the
 20 ~~deceased officer, firefighter, rescue squad worker or senior Civil Air Patrol~~
 21 ~~member~~covered person who survives him or her and who was residing with
 22 ~~such officer, firefighter, rescue squad worker, or senior Civil Air Patrol~~
 23 ~~member~~the covered person at the time of and during the six months next
 24 preceding the date of injury to ~~such officer, firefighter, rescue squad worker~~
 25 ~~or senior Civil Air Patrol member~~ which the covered person that resulted in
 26 his or her death and who also resided with ~~such officer, firefighter, rescue~~
 27 ~~squad worker or senior Civil Air Patrol member~~the covered person from that
 28 date of injury up to and at the time of his or her death and provided,
 29 however, ~~the part of this section requiring the spouse to have been residing~~
 30 ~~with the deceased officer, firefighter, rescue squad worker or senior Civil~~
 31 ~~Air Patrol member for six months next preceding the date of the injury~~
 32 ~~which resulted in his death~~the six-month residency requirement shall not
 33 apply where the marriage occurred during this six-month period or where the
 34 ~~officer, firefighter, rescue squad worker or senior Civil Air Patrol~~
 35 ~~member~~covered person was absent during this six-month period due to
 36 service in the Armed Forces of the United States.

37 ~~(f) The term "official duties" means those duties performed while en route to, engaged~~
 38 ~~in, or returning from training, or in the course of responding to, engaged in or returning from a~~
 39 ~~call by the department of which he is a member, or from a call for assistance from any~~
 40 ~~department or such organization within the State of North Carolina or within a service area~~
 41 ~~contiguous to the borders of the State of North Carolina, when served or aided by a department~~
 42 ~~from within the State of North Carolina. While within the State of North Carolina, any eligible~~
 43 ~~person, as defined in this section or in G.S. 58-86-25, who renders service or assistance, of his~~
 44 ~~own volition, at the scene of an emergency, is performing his official duties when:~~

- 45 (1) ~~Reasonably apparent circumstances require prompt decisions and actions to~~
 46 ~~protect persons and property; and~~
 47 (2) ~~The necessity of immediate action is so reasonably apparent that any delay~~
 48 ~~in acting would seriously worsen the property damage or endanger any~~
 49 ~~person's life.~~

50 **"§ 143-166.3. Payments; determination.**

1 (a) ~~When any law enforcement officer, fireman, rescue squad worker or senior Civil~~
 2 ~~Air Patrol member shall be covered~~ person is killed in the line of duty, the Industrial
 3 Commission shall award a death benefit in the amount of one hundred thousand dollars
 4 (\$100,000) to be paid in the amounts set forth in subsection (b) to one of the following:

- 5 (1) ~~The spouse of such officer, fireman, rescue squad worker or senior Civil Air~~
 6 ~~Patrol member~~ the covered person if there be is a surviving spouse; or spouse.
 7 (2) ~~If there be is no spouse qualifying under the provisions of this~~
 8 ~~Article, surviving spouse, then payments shall be made to any surviving~~
 9 ~~dependent child of such officer, fireman, rescue squad worker or senior Civil~~
 10 ~~Air Patrol member and if the covered person. If there be is more than one~~
 11 ~~surviving dependent child, then said the payment shall be made to and~~
 12 ~~equally divided among all surviving dependent children; or children.~~
 13 (3) ~~If there be is no surviving spouse and no surviving dependent child or~~
 14 ~~children qualifying under the provisions of this Article, children, then~~
 15 ~~payments shall be made to the any surviving dependent parent of such~~
 16 ~~officer, fireman, rescue squad worker or senior Civil Air Patrol member and~~
 17 ~~if the covered person. If there be is more than one surviving dependent~~
 18 ~~parent parent, then said the payments shall be made to and equally divided~~
 19 ~~between the surviving dependent parents of said officer, fireman, rescue~~
 20 ~~squad worker or senior Civil Air Patrol member the covered person.~~
 21 (4) If there is no surviving spouse, surviving dependent child, or surviving
 22 parent, then the payment shall be made to the estate of the deceased covered
 23 person.

24 (b) ~~Payment shall be made to the person or persons qualifying therefor under subsection~~
 25 ~~(a) in the following amounts:~~

- 26 (1) ~~At the time of the death of an officer, firefighter, rescue squad worker or~~
 27 ~~senior Civil Air Patrol member, fifty thousand dollars (\$50,000) shall be~~
 28 ~~paid to the person or persons entitled thereto.~~
 29 (2) Repealed by Session Laws 2015-88, s. 9, effective July 1, 2015.
 30 (3) ~~In the event there is no person qualifying under subsection (a) of this section,~~
 31 ~~fifty thousand dollars (\$50,000) shall be paid to the estate of the deceased~~
 32 ~~officer, firefighter, rescue squad worker or senior Civil Air Patrol member at~~
 33 ~~the time of death.~~

34 (c), (d) Repealed by Session Laws 2015-88, s. 9, effective July 1, 2015.

35 ...

36 **"§ 143-166.7. Applicability of Article.**

37 The provisions of this Article shall apply and be in full force and effect with respect to any
 38 law-enforcement officer, ~~fireman, firefighter,~~ rescue squad worker or senior Civil Air Patrol
 39 member killed in the line of duty on or after May 13, 1975. The provisions of this Article shall
 40 apply with respect to full-time, permanent part-time and temporary employees of the North
 41 Carolina Forest Service of the Department of Agriculture and Consumer Services killed in the
 42 line of duty on or after July 1, 1975. The provisions of this Article shall apply to county fire
 43 marshals and emergency services coordinators killed in the line of duty on and after July 1,
 44 1988. The provisions of this Article shall apply to noncustodial employees of the Division of
 45 Adult Correction and Juvenile Justice of the Department of Public Safety who are killed in the
 46 line of duty on and after April 1, 2017."

47 **SECTION 2.(a)** G.S. 15A-405(b)(2) reads as rewritten:

- 48 "(2) Entitled to the same benefits as a "law-enforcement officer" as that term is
 49 defined in ~~G.S. 143-166.2(d) (Law Enforcement Officers', Firemen's and~~
 50 ~~Rescue Squad Workers' Death Benefit Act);~~ G.S. 143-166.2, the Public
 51 Safety Employees' Death Benefit Act; and"

1 **SECTION 2.(b)** G.S. 58-86-2(9a) reads as rewritten:
2 "(9a) "Killed in the line of duty" has the same meaning as in
3 ~~G.S. 143-166.2(e)~~; G.S. 143-166.2."
4 **SECTION 3.** There is appropriated from the General Fund to the Department of
5 State Treasurer the sum of one million two hundred fifty thousand dollars (\$1,250,000) in
6 nonrecurring funds for the 2018-2019 fiscal year and one million dollars (\$1,000,000) in
7 recurring funds for the 2018-2019 fiscal year.
8 **SECTION 4.** This act becomes effective retroactively to April 1, 2017, and shall
9 apply to qualifying deaths occurring on or after that date.