

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### Senate Bill 350

FISCAL  
NOTE

BY SENATORS UNGER, HAMILTON, ROMANO, CLINE, AND

PREZIOSO

[Introduced January 18, 2019; Referred  
to the Committee on Government Organization; and then  
to the Committee on Finance]

1 A BILL to amend and reenact §5H-1-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to defining terms to assure that correctional officers are considered law-enforcement  
 3 officers for the purpose of the West Virginia Fire, EMS, and Law-Enforcement Survivor  
 4 Benefit Act.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. WEST VIRGINIA FIRE, ~~AND~~ EMS AND LAW-ENFORCEMENT OFFICER  
 SURVIVOR BENEFIT ACT.**

**§5H-1-1. Title, ~~and~~ legislative intent and definitions.**

1 (a) This article is known as the “West Virginia Fire, EMS and Law-Enforcement Officer  
 2 Survivor Benefit Act.”

3 (b) It is the intent of the Legislature to provide for the payment of death benefits to the  
 4 surviving spouse, designated beneficiary, children or parents of firefighters, EMS and law-  
 5 enforcement personnel killed in the performance of their duties, as detailed in this article. For the  
 6 purposes of this article, the terms “law-enforcement personnel”, “law-enforcement officer”, or “law-  
 7 enforcement provider” incorporate the definition of “law-enforcement officer” contained in §30-29-  
 8 1 of this code and, notwithstanding §15A-3-10 of this code, include all correctional officers  
 9 employed by the Division of Corrections and Rehabilitation.

NOTE: The purpose of this bill is to assure that correctional officers are deemed law-enforcement officers for the purpose of the WV Fire, EMS and Law-Enforcement Officer Survivor Benefit Act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.