WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

Senate Bill 465

By Senators Unger, Weld, Stollings, and Romano

[Introduced February 26, 2021; referred  
to the Committee on Government Organization; and then to the Committee on Finance]

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

(a) This article is known as the “West Virginia Emergency Responders Survivor Benefit Act.

(b) It is the intent of the Legislature to provide for the payment of survivor benefits to the surviving spouse, designated beneficiary, children, or parents of firefighters, EMS personnel, law-enforcement agency personnel, and Division of Forestry personnel killed in the performance of their emergency response duties, as detailed in this article.

(c) For the purposes of this article, the terms “law-enforcement personnel,” “law-enforcement officer,” and “law-enforcement provider” incorporate the definition of “law-enforcement officer” contained in §30-29-1 of this code and, notwithstanding §15A-3-10 of this code, include all correctional officers 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 West Virginia 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.