

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3433

By Delegate Kelly

[By Request of the Department of Homeland Security

– Division of Administrative Services]

[Introduced March 17, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §15-11-2 of the Code of West Virginia, 1931, as amended, relating to
2 modifying the language in the statute to make it consistent with W.Va. Code §5H-1-2(b) for
3 survivor's benefit payment for first responders for purposes of payment for funeral
4 expenses of law enforcement, safety, and emergency workers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.

**§15-11-2. Payment of funeral expenses of law-enforcement, safety, and emergency workers
killed who die in the line of duty.**

1 (a) The Secretary of ~~Military Affairs and Public Safety~~ the Department of Homeland
2 Security shall, upon written request, direct payment from the fund in the form of a draft as provided
3 in this article of up to and including an amount not exceeding \$8,000 for the reasonable funeral
4 expenses, including burial expenses, of a law-enforcement, safety, or emergency worker ~~killed~~
5 who dies on or after January 1, 1999, ~~while carrying out~~ as a proximate result of the performance
6 of official duties: *Provided*, That funds shall not be expended for any funeral expense that is
7 otherwise payable pursuant to the provisions of §23-4-1 *et seq.* of this code, as amended, or other
8 benefit programs established by a provision of this code which does not involve employee
9 participation: *Provided, however*, That where other funds for funeral expenses are provided
10 pursuant to the laws of this state, from whatever source, which amount to less than \$8,000, funds
11 provided by the provisions of this section shall be expended so as to ensure that at least \$8,000 is
12 available for reasonable funeral expenses. The secretary shall direct payment of the funeral
13 expenses upon written request of an employer or head of a volunteer organization, as is
14 appropriate pursuant to this article, certifying that the individual for whom funeral expenses are
15 requested ~~was killed~~ died ~~while performing~~ as a proximate result of the performance of official
16 duties.

17 (b) The secretary shall supply the draft in the name of the person contracting for the funeral
18 services and, if known, the service provider to the employer or agency head making the request

19 who shall tender the draft to the person who contracted for the services.

20 (c) For the purposes of this section, "law-enforcement, safety, or emergency worker"
21 means:

22 (1) Any duly authorized member of a law-enforcement agency who is authorized to
23 maintain public peace and order, prevent and detect crime, make arrests, and enforce the laws of
24 the state or any county or municipality of the state, other than parking ordinances, and including
25 those persons employed as security officers at municipal, county, regional, or state offices,
26 authorities or institutions, although their employers may not be public law-enforcement agencies,
27 employed by the Hatfield-McCoy Regional Recreation Authority, and members of the West
28 Virginia National Guard while engaged in active duty service: Provided, That this section does not
29 apply to those persons employed by private security firms or agencies;

30 (2) Any state, regional, county, or municipal correctional employee;

31 (3) Any firefighter employed by the state or any political subdivision of the state and any
32 volunteer firefighter performing as a member of a volunteer fire department;

33 (4) Any "emergency medical services personnel", as defined in §16-4C-3 of this code,
34 employed by or volunteering for any state agency or institution or political subdivision of the state;
35 or

36 (5) Any probation officer appointed under the provisions of either §62-12-5 or §49-4-719 of
37 this code.

NOTE: The purpose of this bill is to modify the language in the statute to make it consistent with W.Va. Code §5H-1-2(b) for survivor's benefit payment for first responders for purposes of payment for funeral expenses of law enforcement, safety, and emergency workers.

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