

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 860

By Senator Morris

[Reported February 20, 2026, from the Committee on
the Military]

1 A BILL to amend and reenact §15-11-1 and §15-11-2 of the Code of West Virginia, 1931, as
2 amended, relating to payment of funeral expenses for certain law-enforcement, safety, and
3 emergency workers; and specifying that payment of funeral expenses may be made when
4 a worker dies as a proximate result of the performance of his or her official duties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. PAYMENT OF FUNERAL EXPENSES.

§15-11-1. Law-enforcement, safety, and emergency worker funeral expense fund created.

1 There is created within the State Treasury a special fund known as the "law-enforcement,
2 safety, and emergency worker funeral expense payment fund", into which there shall be deposited
3 such moneys as from time to time may be appropriated by the Legislature or received from other
4 sources as may be donated or otherwise provided for the fund. The fund shall be administered by
5 the ~~secretary of military affairs and public safety~~ Secretary of the Department of Homeland
6 Security for the sole purpose of effecting the provisions of this article.

**§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 created by §15-11-1 of this code
3 in the form of a draft as provided in this article up to and including an amount not exceeding \$8,000
4 for the reasonable funeral expenses, including burial expenses, of a law-enforcement, safety, or
5 emergency worker ~~killed~~ who dies on or after January 1, ~~1999~~, ~~while carrying out~~ 2026, as a
6 proximate result of the performance of his or her official duties: *Provided*, That funds shall not be
7 expended for any funeral expense that is otherwise payable pursuant to the provisions of §23-4-1
8 *et seq.* of this code, as amended, or other benefit programs established by a provision of this code
9 which does not involve employee participation: *Provided, however*, That where other funds for
10 funeral expenses are provided pursuant to the laws of this state, from whatever source, which
11 amount to less than \$8,000, funds provided by the provisions of this section shall be expended so

12 as to ensure that at least \$8,000 is available for reasonable funeral expenses. The secretary shall
13 direct payment of the funeral expenses upon written request of an employer or head of a volunteer
14 organization, as is appropriate pursuant to this article, certifying that the individual for whom
15 funeral expenses are requested ~~was killed while performing~~ died as a proximate result of the
16 performance of his or her official 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.