

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 966

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

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

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Pensions and Retirement, if favorable, Appropriations

May 21, 2018

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 rewritten:

10 "Article 12A.

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

13 "§ 143-166.1. Purpose.

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

21 "§ 143-166.2. Definitions.

22 The following definitions apply in this Article:

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

24 a. Firefighters.

25 b. Law enforcement officers.

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

28 d. Rescue squad workers.

29 e. Senior Civil Air Patrol members.

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



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

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

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

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

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

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

- 1 scope of his or her official duties while in the discharge of his or her
 2 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 the
 8 course and scope of his or her official duties while engaged in a State
 9 requested and approved mission pursuant to Article 13 of Chapter
 10 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 the
 34 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 paid
 38 or ~~unpaid; and all full time unpaid.~~
- 39 b. Full-time custodial employees and probation and parole officers of the
 40 Division of Adult Correction and Juvenile Justice of the Department
 41 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, notwithstanding
 51 any age requirements set out in that Article, and all full time, permanent part time and temporary

1 employees of the North Carolina Forest Service of the Department of Agriculture and Consumer
2 Services during the time they are actively engaged in firefighting activities; or engaged in
3 emergency response activities pursuant to G.S. 166A-19.77; and shall mean all full-time
4 employees of the North Carolina Department of Insurance during the time they are actively
5 engaged in firefighting activities, during the time they are training firefighters or rescue squad
6 workers, and during the time they are engaged in activities as members of the State Emergency
7 Response Team, when the Team has been activated; and shall mean all otherwise eligible persons
8 who, while actively engaged as firefighters or rescue squad workers, are acting in the capacity of
9 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 custodial
12 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 emergency,
24 is performing his or her official duties when both of the following apply:

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

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

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

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

45 b. ~~In addition, the term "rescue squad worker" shall mean a~~
46 ~~member~~ Members of an ambulance service certified by the Department
47 of Health and Human Services pursuant to Article 7 of Chapter 131E
48 of the General Statutes. The Department of Health and Human
49 Services shall furnish a list of ambulance service members to the State
50 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 Emergency
 6 Response Team when the State Emergency Response Team has been
 7 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 Carolina
 12 ~~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 certified
 18 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 his
 26 ~~or her death and who also resided with such officer, firefighter, rescue squad~~
 27 ~~worker or senior Civil Air Patrol member~~ the covered person ~~from that date of~~
 28 ~~injury up to and at the time of his or her death and provided, however, the part~~
 29 ~~of this section requiring the spouse to have been residing with the deceased~~
 30 ~~officer, firefighter, rescue squad worker or senior Civil Air Patrol member for~~
 31 ~~six months next preceding the date of the injury which resulted in his death~~ the
 32 six-month residency requirement ~~shall not apply where the marriage occurred~~
 33 ~~during this six-month period or where the officer, firefighter, rescue squad~~
 34 ~~worker or senior Civil Air Patrol member~~ covered person ~~was absent during~~
 35 ~~this six-month period due to service in the Armed Forces of the United States.~~

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

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

49 **"§ 143-166.3. Payments; determination.**

50 (a) When any law enforcement officer, fireman, rescue squad worker or senior Civil Air
 51 ~~Patrol member~~ shall be covered person is killed in the line of duty, the Industrial Commission

1 shall award a death benefit in the amount of one hundred thousand dollars (\$100,000) to be paid
 2 ~~in the amounts set forth in subsection (b) to one of the following:~~

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

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

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

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

32 ...
 33 **"§ 143-166.7. Applicability of Article.**

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

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

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

49 **SECTION 2.(b)** G.S. 58-86-2(9a) reads as rewritten:

50 "(9a) "Killed in the line of duty" has the same meaning as in
 51 G.S. 143-166.2(c); G.S. 143-166.2."

1 **SECTION 3.** There is appropriated from the General Fund to the Department of
2 State Treasurer the sum of one million two hundred fifty thousand dollars (\$1,250,000) in
3 nonrecurring funds for the 2018-2019 fiscal year and one million dollars (\$1,000,000) in
4 recurring funds for the 2018-2019 fiscal year.

5 **SECTION 4.** This act becomes effective retroactively to April 1, 2017, and shall
6 apply to qualifying deaths occurring on or after that date.