

# LINE OF DUTY DEATH BENEFITS ACT

## STATE TEMPLATE LANGUAGE



### SECTION 1: SHORT TITLE.

This Act may be cited as the “**Line of Duty Death Benefits Act.**”

### SECTION 2: PURPOSE.

The purpose of this Act is to provide financial assistance, insurance coverage, pension benefits, tax relief, and survivor support to the surviving spouse and eligible dependents of any Professional Firefighter or Emergency Medical Technician who dies in the line of duty or as a result of a presumptive occupational disease.

### SECTION 3: DEFINITIONS.

For purposes of this Act:

- 1. Professional Firefighter.** The term “Professional Firefighter” means an individual employed on a full-time or probationary basis by a fire department, tribal fire protection district, or other public agency of a State or its political subdivisions, whose primary duties involve:
  - (A) the prevention, control, and extinguishment of fires;
  - (B) the protection of life and property;
  - (C) emergency response; or
  - (D) enforcement of fire safety codes and regulations,and who has met all certification and training requirements prescribed by the authority having jurisdiction. The term does not include volunteer firefighters.
- 2. Emergency Medical Technician (EMT).** The term “Emergency Medical Technician” means an individual licensed or certified by a State to provide emergency medical care at the EMT, Advanced EMT, or Paramedic level, who is employed by a public ambulance service, fire department, tribal entity, or other emergency response agency, or who provides emergency medical services as part of their professional duties. The term includes individuals whose duties encompass the assessment, treatment, and transportation of patients in emergency situations.
- 3. Eligible Dependent.** The term “Eligible Dependent” means a natural child, adopted child, or legally dependent child of the decedent who qualifies under this Act.

### SECTION 4: ONE-TIME DEATH BENEFIT.

- (a) Payment to Surviving Spouse.** If an eligible surviving spouse exists, the State shall pay the lump sum death benefit described in subsection (d) to the surviving spouse.
- (b) Payment to Dependents.** If no eligible surviving spouse exists, payment shall be made in equal shares to eligible dependents.
- (c) Payment to Parents.** If no eligible spouse or dependents exist, payment shall be made in equal shares to surviving parents.
- (d) Amount.** The benefit shall equal a non-taxable lump sum of \$500,000 for deaths occurring during the 12-month period beginning September 1, 2025. Beginning September 1 of each subsequent year, the benefit shall be adjusted by the percentage change in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics. The applicable amount shall be determined by the date of death, not the date of claim.
- (e) Salary Continuation.** The employer shall continue 100 percent of the decedent’s base salary until the decedent’s pension benefit takes effect.

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### SECTION 5: COVERAGE OF OCCUPATIONAL DISEASES.

This Act shall cover deaths resulting from occupational diseases presumptively linked to firefighting, including but not limited to:

1. malignant neoplasms;
2. respiratory diseases, including Chronic Obstructive Pulmonary Disease (COPD), pulmonary fibrosis, asbestosis, and tuberculosis;
3. cardiovascular events occurring on duty or within 24 hours of duty, including sudden cardiac death, acute myocardial infarction, aortic aneurysm, coronary heart disease due to atherosclerosis, cardiomegaly, left ventricular hypertrophy, hypertensive heart disease, fatal arrhythmias caused by firefighting stress, and stroke;
4. Parkinson's disease; and
5. suicide resulting from Post-Traumatic Stress Disorder, as defined in section 10281(o) of title 34, United States Code.

### SECTION 6: FUNERAL EXPENSES AND HONOR BENEFIT.

- (a) **Funeral Expenses.** A funeral benefit not to exceed \$20,000 shall be paid directly to the funeral home for burial and related expenses.
- (b) **Honor Recognition.** The decedent shall be guaranteed inclusion on all State-funded memorials recognizing fallen first responders.

### SECTION 7: PENSION AND SURVIVOR BENEFITS..

- (a) **Surviving Spouse.** The surviving spouse shall receive a lifetime monthly benefit equal to 100 percent of the member's average monthly benefit compensation for the normal retirement benefit the member would have received upon completion of full service.
- (b) **Dependent Pension Benefit.**
  1. **Amount.** The total dependent pension benefit shall not exceed 20 percent of the amount determined under applicable pension rules for an accidental disability retirement.
  2. **Distribution.** If multiple dependents survive, the benefit shall be divided equally, provided no dependent receives more than 20 percent of the accidental disability retirement amount.
  3. **Duration.** Dependent benefits shall continue—
    - (A) from age 18 until age 26, provided the dependent remains unmarried and enrolled full-time in an accredited educational institution or recognized apprenticeship program; or
    - (B) indefinitely, if permanently disabled prior to attaining age 22.
  4. **Direct Payment.** Benefits shall be paid directly to dependents upon attaining 18 years of age, unless under guardianship or conservatorship.

### SECTION 8: TAX DEDUCTION.

- (a) **Deduction.** The State shall authorize a non-refundable tax deduction for the surviving spouse of a Professional Firefighter or Emergency Medical Technician who dies in the line of duty. The deduction shall apply only if the spouse occupies the property as their principal residence and shall not exceed the amount of municipal property taxes assessed and collected.

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- (b) **Termination.** The deduction shall terminate upon the surviving spouse's remarriage.
- (c) **Retroactivity.** The deduction applies regardless of whether the death occurred prior to the effective date of this section, but shall not entitle any person to a refund of previously paid taxes.
- (d) **Portability.** The deduction remains valid if the spouse relocates to another community within the State, provided the property continues to serve as the principal residence.

### SECTION 9: INSURANCE BENEFITS.

- (a) **Eligibility.** Surviving spouses and dependents shall be eligible for health, life, and disability insurance benefits. Benefits for the surviving spouse shall be fixed at the level in effect on the date of death and shall remain unchanged thereafter.
- (b) **Increases.** If benefits for active members are subsequently increased, the surviving spouse may obtain such increases only by paying the full cost.

### SECTION 10: EDUCATIONAL BENEFITS.

- (a) **Tuition Waiver.** The State shall waive tuition, matriculation, textbook fees, and registration fees up to a bachelor's degree for the surviving spouse and eligible dependents.
- (b) **Eligible Institutions.** Eligible recipients may attend State vocational-technical schools, public community colleges, or State universities, either full-time or part-time.
- (c) **Duration.** Benefits continue until a dependent's 26th birthday, provided the student remains in good academic standing and enrolled under institutional rules.
- (d) **Withdrawal.** Benefits shall be withdrawn if the student fails to meet the conditions described in subsection (c).
- (e) **Vocational Benefits.** Employment transition and vocational training benefits shall be provided through the Office of the State Fire Marshal or such other designated State agency responsible for administering educational benefits.

### SECTION 11: COUNSELING AND SURVIVOR SUPPORT.

- (a) **Counseling.** Counseling and survivor support services shall be provided, including the establishment of a Fallen First Responder Survivor Advocate, administered through the Office of the State Fire Marshal or such other designated State agency.
- (b) **Survivor Advocate.** The Survivor Advocate shall assist families with accessing benefits including mental health, insurance, workers' compensation, education, and estate and legal counseling for up to 5 years after a line-of-duty death is determined.

### SECTION 12: APPLICATION PROCESS.

A streamlined and accessible application process for survivors seeking benefits under this Act shall be maintained by the Office of the State Fire Marshal or such other State agency designated under the State's organizational structure.