

**BILL NO. 35-0206**

**Thirty-Fifth Legislature of the Virgin Islands**

**December 11, 2023**

An act amending title 3 Virgin Islands Code, chapter 25, by adding subchapter IXa to enact The Virgin Islands Heroes Act to make benefits payable to the spouses and dependent children of law enforcement officers, peace officers, public safety officers, and public safety employees that are killed or catastrophically injured in the line of duty

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**PROPOSED BY:** Senator Milton E. Potter

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1 *Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 3, chapter 25, Virgin Islands Code, is amended by adding subchapter  
3 IX(a) to read as follows:

4 **“Subchapter IX(a). The Virgin Islands Heroes Act**

5 **§ 651.** This chapter is known and may be cited as the “The Virgin Islands Heroes Act”.

6 **§ 652. Definitions**

7 As used in this this subchapter, the following terms have the following meanings:

8       (a) “Catastrophic injury” means an injury sustained from an accident and resulting in:

9           (1) the total loss of sight in one or both eyes;

10           (2) the total loss of hearing in one or both ears;

11           (3) the loss by separation of an arm or leg;

1           (4) an injury to the head or spine which results in paralysis of the legs, the arms,  
2 or both the legs and arms;

3           (5) an injury to the head that results in severe cognitive impairment, as  
4 determined by a nationally recognized method of objective psychological testing;

5           (6) an injury consisting of second or third-degree burns on 50 percent or more  
6 of:

7                   (A) the body;

8                   (B) both hands; or

9                   (C) the face;

10           (7) the total loss of or significant and permanent impairment of speech;

11           (8) a coma or vegetative state;

12           (9) the loss or significant impairment of function of one or more vital internal  
13 organs or organ systems; or

14           (10) the mangle, crushing, or amputation of a major portion of an extremity.

15           (b) "Commissioner" means the Commissioner of the Virgin Islands Police  
16 Department.

17           (c) "Dependent child" means a person who is unmarried and who was either living  
18 with or was receiving support contributions from the public safety officer at the time of death,  
19 including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

20                   (1) under 18 years of age;

21                   (2) over 18 years of age and incapable of self-support because of physical or  
22 mental disability; or

1           (3) over 18 years of age and a student as defined by title 5, section 8101, United  
2 States Code.

3           (d) “Eligible Child” means a biological child, a child born out-of-wedlock, an adopted  
4 or posthumous child, and a stepchild.

5           (e) “Killed in the line of duty” means the death of a public safety officer caused by  
6 accidental means while the public safety officer is acting in the course and scope of his or her  
7 duties or as the direct and proximate result of a heart attack, stroke, or vascular rupture, and the  
8 officer was presumed to have died as the direct and proximate result of a personal injury  
9 sustained in the line of duty if that officer, while on duty:

10           (1) engaged in a situation, and that engagement involved nonroutine stressful or  
11 strenuous physical law enforcement, fire suppression, rescue, hazardous material  
12 response, emergency medical services, prison security, disaster relief, or other emergency  
13 response activity; or

14           (2) participated in a training exercise, and that participation involved nonroutine  
15 stressful or strenuous physical activity; and

16           (3) that officer died because of a heart attack, stroke, or vascular rupture suffered  
17 while engaging or participating under paragraph (1), while still on duty after engaging or  
18 participating under paragraph (1), or not later than 24 hours after engaging or  
19 participating under paragraph (1), and the presumption is not overcome by competent  
20 medical evidence to the contrary.

21           “Killed in the line of duty” does not include deaths from natural causes, except as  
22 provided in this subsection.

23           (f) “Law enforcement officer” means a police officer, probation officer, parole officer,  
24 correction officer, warden, prison guard, and marshal.

1 (g) “Public safety officer” means:

2 (1) a law enforcement officer, public safety officer;

3 (2) a Peace Officer as defined in 5 V.I.C. § 3561;

4 (3) police officers, corrections officers, firefighters, harbor pilots, or other  
5 persons employed to protect the public safety and welfare and protect the property of a  
6 public employer;

7 (4) an employee of a Virgin Islands Police Department, Virgin Islands Fire and  
8 Emergency Medical Services, emergency medical services provider, Department of  
9 Health, Division of Behavioral Health Service-Crisis Intervention Team, or a correctional  
10 institution of the Bureau of Corrections;

11 (5) public employees who maintain and operate equipment used in the  
12 production of water and power;

13 (6) a corrections officer employed at a correctional facility and charged with  
14 maintaining the safety, security, discipline, and custody of inmates at the facility; and

15 (7) a corrections staff person working in a public agency and supervising  
16 offenders in the community as defined in title 24, section 371 of the Virgin Islands Code.

17 (h) “Spouse” means a person legally married to the decedent at the time of the  
18 decedent’s death.

19 (i) “Traumatic event” means:

20 (1) a homicide, suicide, or the violent or gruesome death of another individual,  
21 including a death resulting from a mass casualty event, mass fatality event, or mass  
22 shooting;

1           (2) a harrowing circumstance posing an extraordinary and significant danger or  
2 threat to the life of or of serious bodily harm to any individual, including but not limited  
3 to a death resulting from a mass casualty event, mass fatality event, or mass shooting; or

4           (3) an act of criminal sexual violence committed against any individual.

5 **§ 653. Public safety officer's benefit account**

6           The Public Safety Officer's Benefit Account is established within the Treasury of the  
7 Virgin Islands. Money in the account consists of money transferred and appropriated to that  
8 account. Money in the account that is not expended in the fiscal year in which it is transferred  
9 or appropriated does not revert to the General Fund until claims for reimbursement under  
10 sections 654, 655, and 656 submitted in that fiscal year are either paid or denied.

11           (a) The Commissioner shall report annually to the Legislature regarding the financial  
12 status of the Public Safety Officer's Benefit Account and the reimbursements paid by the  
13 Commissioner during the preceding fiscal year under sections 654, 655, and 656. If the  
14 Commissioner anticipates, based on historical averages, that the Public Safety Officer's Benefit  
15 Account will not have enough money to fund all reimbursements the Commissioner reasonably  
16 anticipates will be requested under sections 654, 655, and 656, for the current and next fiscal  
17 year, the Commissioner shall include in the report the amounts the Commissioner believes are  
18 necessary to fund the anticipated reimbursements and payments.

19 **§ 654. Death benefit**

20           (a) This section applies upon a determination by the Attorney General that the death  
21 of a public safety officer was in the line of duty.

22           (b) Upon certification to the Governor by the Attorney General that a public safety  
23 officer employed within the territory has been killed in the line of duty, the Director of the  
24 Office of Management and Budget shall pay \$150,000 from the Public Safety Officer's Benefit

1 Account to the beneficiary previously designated in writing by the public safety officer on a  
2 form maintained by the Division of Personnel. If no beneficiary has been designated, the death  
3 benefit must be paid as follows:

4 (1) if there is no dependent child, to the spouse;

5 (2) if there is no spouse, to the dependent child or children in equal shares;

6 (3) if there are both a spouse and one or more dependent children, one-half to the  
7 spouse and one-half to the child or children, in equal shares;

8 (4) if there is no surviving spouse or dependent child or children, to the parent or  
9 parents' dependent for support on the decedent, in equal shares; or

10 (5) if there is no surviving spouse, dependent child, or dependent parent, to the  
11 public safety officer's estate.

12 (6) If there is both a spouse and one or more dependent children under age 18,  
13 the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's  
14 share on medical or dental treatment for the child or the child's education. Expenditures  
15 under this paragraph on behalf of a child do not diminish the shares of any other children.

16 (7) Amounts paid out under this provision are exempt from any Virgin Islands  
17 taxes.

18 (c) Dependents of public safety officers killed in the line of duty are eligible for  
19 education benefits under section 655, regardless of where they graduated from high school.

20 (d) The benefits payable under this section shall be in addition to any benefits now or  
21 hereafter prescribed.

22 (e) There is a one-time payment of \$75,000 for catastrophic injuries.

1 (f) If the catastrophically injured public safety officer dies within five years because  
2 of the catastrophic in the line of duty injury, the beneficiary shall receive an additional lump  
3 payment of \$75,000 and all other benefits of this subchapter.

4 **§ 655. Education benefit**

5 A person is eligible to receive educational benefits at the University of the Virgin Islands  
6 under this section if the person:

7 (1) is enrolled in an undergraduate degree or certificate program after September  
8 30, 2024; and

9 (2) is related in one of the following ways to a public safety officer killed in the  
10 line of duty:

11 (A) as a dependent child less than 23 years of age;

12 (B) as a surviving spouse; or

13 (C) as a dependent child under 30 years of age who has served on active  
14 military duty 181 consecutive days or more and has been honorably discharged or  
15 released to the dependent child's reserve or National Guard unit.

16 (a) The amount of the award is the average tuition and fees charged by the University  
17 of the Virgin Islands.

18 (b) For the purposes of this section, "fees" include only those mandatory fees charged  
19 to all students attending the University of the Virgin Islands.

20 (c) Each award must be given for one academic year and is renewable for a maximum  
21 of eight semesters or the equivalent. A student who withdraws from enrollment for active  
22 military service or a major illness while under the care of a medical professional which  
23 substantially limits the student's ability to complete the term is entitled to an additional

1 semester or the equivalent of grant eligibility. An award may not be given to a dependent child  
2 who is 23 years of age or older on the first day of the academic year.

3 **§ 656. Continued health insurance coverage**

4 The Government of the Virgin Islands shall pay the premiums for health insurance elected  
5 and provided under 3 V.I.C. 632 for public safety officers who die or suffer a catastrophic  
6 injury in the line of duty on behalf of:

7 (1) the public safety officer;

8 (2) a surviving spouse until the spouse remarries or reaches age 65; and

9 (3) an eligible child who is:

10 (A) 18 years of age or younger until the child reaches age 18;

11 (B) 19 through 26 years of age, who has not completed four years of  
12 education beyond high school, and who is pursuing a full-time course of study or  
13 training until the child reaches age 26; or

14 (C) over 18 and incapable of self-support due to a physical or mental  
15 disability at the time of the officer's death until the child is covered under another  
16 government-assisted program.

17 (a) No benefit may be paid:

18 (1) if the death or catastrophic injury was caused by the intentional misconduct  
19 of the public safety officer or by such person's intention to bring about his or her own  
20 death or catastrophic injury;

21 (2) if the public safety officer was voluntarily intoxicated at the time of death or  
22 catastrophic injury;

23 (3) if the public safety officer was performing his or her duties in a grossly  
24 negligent manner at the time of death or catastrophic injury;



1           (4) to a claimant whose actions were a substantial contributing factor to the death  
2 or catastrophic injury of the public safety officer; or

3           (5) to military law enforcement officers or any of their survivors.

4           (b) Death or catastrophic injury resulting from stress and strain, occupational illness,  
5 or chronic, progressive, or congenital disease such as heart or pulmonary disease are not  
6 covered under this section unless there is a traumatic event that is a substantial factor in the  
7 death, or catastrophic injury.

8 **§ 657. Challenge to eligibility determination**

9           A challenge to a determination of eligibility by the Attorney General must be heard in the  
10 Superior Court of the Virgin Islands.

11 **BILL SUMMARY**

12           An act to establish the Virgin Islands Heroes Act to make benefits payable to the spouses  
13 and dependent children of law enforcement officers, peace officers, public safety officers, and  
14 public safety employees who are killed or catastrophically injured in the line of duty.

15 **BR23-0650/November 30, 2023/HLF**