



House of Representatives

File No. 650

General Assembly

February Session, 2024

(Reprint of File No. 231)

Substitute House Bill No. 5279
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2024

**AN ACT CONCERNING AUTHORITY TO DECLARE THAT A
FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL
SERVICE PERSONNEL DIED IN THE LINE OF DUTY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-313e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) Notwithstanding any provision in the general statutes or a
4 municipal ordinance to the contrary, the fire chief of the municipality,
5 or any member serving in the capacity of fire officer-in-charge, shall,
6 when any fire department or company is responding to or operating at
7 a fire, service call [,] or other emergency, within such municipality, have
8 the authority to: [(a)] (1) Control and direct emergency activities at such
9 scene; [(b)] (2) order any person to leave any building or place in the
10 vicinity of such fire for the purpose of protecting such person from
11 injury; [(c)] (3) blockade any public highway, street [,] or private right-
12 of-way temporarily while at such scene; [(d)] (4) at any time of the day

13 or night, enter any building, including a private dwelling, or upon any
14 premises where a fire is in progress or near the scene of any fire, or
15 where there is reasonable cause to believe a fire is in progress, for the
16 purpose of extinguishing the fire or preventing its spread; [(e)] (5)
17 inspect for the purposes of preventing fires and preplanning the control
18 of fire all buildings, structures or other places in their fire district, except
19 the interior of private dwellings, where any combustible material,
20 including, but not limited to, waste paper, rags, shavings, waste, leather,
21 rubber, crates, boxes, barrels or rubbish, that is or may become
22 dangerous as a fire menace to such buildings, structures or other places
23 has been allowed to accumulate or where such chief or [his] such chief's
24 designated representative has reason to believe that such material has
25 accumulated or is liable to be accumulated; [(f)] (6) order disengagement
26 or discouplement of any convoy, caravan or train of vehicles, craft or
27 railway cars for the purpose of extinguishing a fire or preventing its
28 spread; and [(g)] (7) take command of any industrial fire brigade or fire
29 chief when such fire company or department has been called to such
30 industry.

31 (b) If the death of a uniformed paid or volunteer firefighter is caused
32 by a cardiac event, stroke or pulmonary embolism that occurred not
33 later than twenty-four hours after such firefighter concluded a shift or
34 training, the chief of such firefighter's fire department shall have the
35 authority to determine whether such firefighter died in the line of duty,
36 unless a local charter or ordinance in effect on October 1, 2024, provides
37 the authority to a different individual or entity to make such
38 determination. Such declaration by a chief shall not be used as evidence
39 for a workers' compensation claim under chapter 568.

40 Sec. 2. (NEW) (Effective October 1, 2024) (a) For purposes of this
41 section, (1) "police chief" means the chief law enforcement officer of a
42 law enforcement unit, the chief elected official of a municipal police
43 department without a chief law enforcement officer or, in the case of the
44 Division of State Police, the Commissioner of Emergency Services and
45 Public Protection, and (2) "law enforcement unit" and "police officer"
46 have the same meanings as provided in section 7-294a of the general

47 statutes.

48 (b) If the death of a police officer is caused by a cardiac event, stroke
 49 or pulmonary embolism that occurred not later than twenty-four hours
 50 after such officer concluded a shift or training, the police chief of such
 51 officer's law enforcement unit shall have the authority to determine
 52 whether such officer died in the line of duty, unless a local charter or
 53 ordinance in effect on October 1, 2024, provides the authority to a
 54 different individual or entity to make such determination. Such
 55 declaration by a police chief shall not be used as evidence for a workers'
 56 compensation claim under chapter 568 of the general statutes.

57 Sec. 3. (NEW) (*Effective October 1, 2024*) If the death of any emergency
 58 medical service personnel, as defined in section 19a-175 of the general
 59 statutes, is caused by a cardiac event, stroke or pulmonary embolism
 60 that occurred not later than twenty-four hours after such personnel
 61 concluded a shift or training, the service chief, or other administrative
 62 head, of such personnel's department, service, company or emergency
 63 medical service organization, as defined in section 19a-175 of the general
 64 statutes, shall have the authority to determine whether such personnel
 65 died in the line of duty, unless a local charter or ordinance in effect on
 66 October 1, 2024, provides the authority to a different individual or entity
 67 to make such determination. Such declaration by a chief or
 68 administrative head shall not be used as evidence for a workers'
 69 compensation claim under chapter 568 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024:</i>	7-313e
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Higher Education Constituent Units	GF - Potential Revenue Loss	Minimal	Minimal
Department of Emergency Services and Public Protection	GF - Potential Cost	Minimal	Minimal
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Loss	See Below	See Below
Various Municipalities	Potential Cost	See Below	See Below

Explanation

The bill allows a police, fire, or emergency medical service (EMS) chief to declare that a police officer, firefighter, or EMS worker died in the line of duty under certain circumstances, resulting in the potential costs and revenue losses described below, to the extent that more deaths are declared as in the line of duty.

State Tuition Waivers

The bill, which provides a tuition waiver to a public institution of

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

higher education to eligible family members, could result in a minimal tuition revenue loss beginning in FY 25. The value of a waiver, depending on the institution ranges from approximately \$4,608 to \$17,012.

Police Association of Connecticut Relief Payments

The Department of Emergency Services and Public Protection is required to pay relief to the surviving spouse or child of a police officer who is killed in the line of duty and is a member of the Police Association of Connecticut, resulting in a minimal potential cost beginning in FY 25. The death benefit is \$20,000, plus \$100 per week per child to the guardian of all dependent children from the date of death to that child's 18th birthday.

Property Tax Abatement

The bill may result in a potential revenue loss to various municipalities beginning in FY 25. Current law allows municipalities to adopt an ordinance to abate a portion of property taxes for the surviving spouse of a qualified individual who dies in the line of duty. This bill will have no impact on municipalities that have not adopted this ordinance.

Survivor Benefits

The bill may also result in more survivor benefits being distributed. If a survivor opts into the state health plan as a survivor benefit, then the state will realize potential costs between \$11,600 and \$30,300² per occurrence, and municipalities will realize potential costs between \$13,900 and \$36,200³ per occurrence for the cost of medical plan premiums.

The bill can also result in an increase in claims for the police and firefighter survivors' benefit fund and survivor pension benefits which

²State Employee Health Plan rates for July 2023 - June 2024

³Connecticut Partnership Plan 2.0 rates for April 1, 2024 - June 30, 2024

would not result in a fiscal impact to the state as these are non-appropriated funds police officers and firefighters pay into.

House "A" expands (1) the circumstances under which a death can be classified as in the line of duty, and (2) the provisions of the bill to include emergency medical services (EMS) personnel.⁴ This results in a minimal increase to the fiscal impacts identified above. The amendment also changes the effective dates of the underlying bill which does not alter the bill's fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of qualifying line of duty deaths.

Sources: Office of Legislative Research Report 2023-R-0081

⁴With respect to state and municipal benefits only, EMS personnel (specifically emergency medical technicians) only qualify for the property tax abatement.

OLR Bill Analysis**sHB 5279 (as amended by House "A")******AN ACT CONCERNING AUTHORITY TO DECLARE THAT A FIREFIGHTER OR POLICE OFFICER DIED IN THE LINE OF DUTY.*****SUMMARY**

This bill generally allows a police or fire chief or emergency medical service (EMS) chief or administrative head to declare that a police officer, uniformed paid or volunteer firefighter, or EMS personnel died in the line of duty if the death was caused by a cardiac event, stroke, or pulmonary embolism within 24 hours after the officer, firefighter, or EMS personnel finished a shift or training. The chief or administrative head may do so unless a local charter or ordinance in effect on July 1, 2024, authorizes a different person or entity to make the determination.

The bill specifies that a chief's or administrative head's declaration must not be used as evidence for a workers' compensation claim.

Under the bill, a "police chief" is a law enforcement unit's chief law enforcement officer, the chief elected official of a municipal police department that does not have a chief law enforcement officer, or the emergency services and public protection commissioner for the State Police. An "EMS chief or administrative head" is the chief or head of the personnel's department, service, company, or EMS organization. "EMS personnel" is anyone certified to practice as an emergency medical responder, emergency medical technician, advanced emergency medical technician, or emergency medical services instructor or a paramedic.

*House Amendment "A" adds EMS personnel and eliminates the provision in the underlying bill under which the shift or training prior to death had to involve nonroutine or strenuous physical activity.

EFFECTIVE DATE: July 1, 2024

BACKGROUND

Existing Federal Benefits

The surviving families of police officers, firefighters, and certain EMS personnel killed in the line of duty may be eligible for (1) cash benefits through the federal Public Safety Officers' Benefits program and (2) higher education assistance through the Public Safety Officers' Educational Assistance program.

Existing State and Municipal Benefits

The surviving families of police officers and firefighters killed in the line of duty may be eligible for a range of state and municipal benefits, including:

1. tuition waivers from the state's colleges and universities (CGS §§ 10a-77(d), 10a-99(d) & 10a-105(e));
2. payments from their respective associations and the police and firefighter survivor's benefit fund, for those who participate (CGS §§ 3-122, 3-123 & 7-323e);
3. state health insurance benefits (CGS § 5-259(a)(6)); and
4. survivor pension benefits (CGS § 7-433b(a)).

Existing law allows municipalities to establish a program for surviving spouses of police officers, firefighters, or emergency medical technicians killed in the line of duty to abate all or a portion of the property taxes due on an eligible spouse's principal residence (CGS § 12-81x).

Related Bill

sSB 341 (File 219), favorably reported by the Public Safety and Security Committee, establishes the "Fallen Officer Fund" to provide, within available appropriations, a lump sum death benefit totaling \$100,000 to a surviving family member or beneficiary of a police officer who was killed in the line of duty or sustained injuries that were the direct and proximate cause of the officer's death.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (04/15/2024)