



House of Representatives

General Assembly

File No. 231

February Session, 2024

Substitute House Bill No. 5279

House of Representatives, April 3, 2024

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING AUTHORITY TO DECLARE THAT A
FIREFIGHTER OR POLICE OFFICER 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 Section 7-313e of the general statutes is repealed and the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 July 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 during which such firefighter was involved in nonroutine or
35 strenuous physical activity, the chief of such firefighter's fire
36 department shall have the authority to determine whether such
37 firefighter died in the line of duty, unless a local charter or ordinance in
38 effect on July 1, 2024, provides the authority to a different individual or
39 entity to make such determination. Such declaration by a chief shall not
40 be used as evidence for a workers' compensation claim under chapter
41 568.

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

49 statutes.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	7-313e
Sec. 2	July 1, 2024	New section

PS Joint Favorable Subst.

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	Tuition Funds - Potential Revenue Loss	Minimal	Minimal
Department of Emergency Services and Public Protection	GF - Potential Cost	Minimal	Minimal
State Comptroller - Fringe Benefits	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 or fire chief to declare that a police officer or firefighter died in the line of duty under certain circumstances, resulting in the potential impacts 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 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 \$30,300¹ per occurrence, and municipalities will realize potential costs between \$13,900 and \$36,200² 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 would not result in a fiscal impact to the state as these are non-appropriated funds police officers and firefighters pay into.

¹ State Employee Health Plan rates for July 2023 – June 2024

² Connecticut Partnership Plan 2.0 rates for April 1, 2024 – June 30, 2024

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

OLR Bill Analysis**sHB 5279*****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 to declare that a police officer or uniformed paid or volunteer firefighter 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 or firefighter finished a shift or training that involved nonroutine or strenuous activity. The police or fire chief 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 police or fire chief'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.

EFFECTIVE DATE: July 1, 2024

BACKGROUND***Existing Federal Benefits***

The surviving families of police officers and firefighters 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, -123 & 7-323e);
3. state health insurance benefits (CGS § 5-259(a)(6));
4. a property tax abatement (CGS § 12-81x); and
5. survivor pension benefits (CGS § 7-433b(a)).

Related Bill

sSB 341, 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)