

CHAPTER 325
HB 224-FN - FINAL VERSION

14Feb2019... 0006h
05/02/2019 1653s
27Jun2019... 2651-EBA

2019 SESSION

19-0327
01/04

HOUSE BILL ***224-FN***

AN ACT making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

SPONSORS: Rep. Proulx, Hills. 44

COMMITTEE: Executive Departments and Administration

ANALYSIS

 This bill makes emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT making emergency medical technicians and rescue squad members eligible for a death benefit if killed in the line of duty.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 325:1 Death Benefits; Emergency Medical Technicians and Rescue Squad Members Included.
2 Amend RSA 21-I:29-a, I(a)-(f) and II to read as follows:

3 (a) "Adult child" means a child, whether by blood or adoption, of the police officer, [ø] firefighter, **emergency medical technician, or rescue squad member**, age 18 or older at the time
4 of death of such police officer, [ø] firefighter, **emergency medical technician, or rescue squad**
5 **member**, and who does not meet the definition of a dependent child.
6

7 (b) "Dependent child" means a child, whether by blood or adoption, of the police officer,
8 [ø] firefighter, **emergency medical technician, or rescue squad member** who:

9 (1) Is under the age of 25 and was dependent on the earnings of the police officer,
10 [ø] firefighter, **emergency medical technician, or rescue squad member** at the time of death.
11 For the purposes of this subparagraph, a child is not considered dependent if the child provides more
12 than half of his or her own support, is married, or is legally adopted by another; or

13 (2) Is any age and is physically or mentally incapacitated and was dependent on the
14 earnings of the police officer, [ø] firefighter, **emergency medical technician, or rescue squad**
15 **member** at the time of death.

16 (c) "Family" means the surviving spouse of the police officer, [ø] firefighter, **emergency**
17 **medical technician, or rescue squad member** who was wholly or partially dependent, in fact,
18 upon the earnings of the police officer [ø] firefighter, **emergency medical technician, or rescue**
19 **squad member** or, if there is no surviving spouse, the surviving dependent child or dependent
20 children, of such police officer or firefighter or, if there is no surviving dependent child, a surviving
21 person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving
22 common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child
23 or adult children, the surviving parent or parents of such police officer, [ø] firefighter, **emergency**
24 **medical technician, or rescue squad member**.

25 (d) **"Emergency medical technician" means all levels of emergency medical**
26 **technician, including emergency medical responders, emergency medical technicians,**
27 **advanced emergency medical technicians, and paramedics, whether auxiliary,**
28 **intermittent, special, part-time, volunteer, call, or reserve, who is employed by a city, town,**

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1 *village district, or precinct within the state of New Hampshire, or any emergency medical*
2 *technician who is a volunteer for or employed by a nonprofit corporation in*
3 *New Hampshire, or any emergency medical technician employed by a New Hampshire*
4 *licensed private ambulance service while in the performance of emergency medical services*
5 *pursuant to RSA 153-A:2, VI either under contract or agreement with a city, town, village,*
6 *or precinct.*

7 ~~[(d)]~~ (e) "Firefighter" means any firefighter, including auxiliary, intermittent, special,
8 part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or
9 precinct within the state of New Hampshire, any firefighter employed by the state of
10 New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation
11 which is the primary provider of fire protection for all or part of a New Hampshire municipality.

12 ~~[(e)]~~ (f) "Killed in the line of duty" means a death of a police officer, ~~[or]~~ firefighter,
13 ***emergency medical technician, or rescue squad member*** while in the performance of his or her
14 duties as a result of incident, accident, or violence causing death or injuries which are the direct or
15 proximate cause of death. "Incident" shall include any death that is determined to be occupationally
16 related by the worker's compensation insurance carrier, a self-insured worker's compensation plan,
17 or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

18 ~~[(f)]~~ (g) "Police officer" means any law enforcement officer with the power of arrest,
19 including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their
20 deputies who are employed by a city, town, village district, county, or precinct within the state of
21 New Hampshire, police officers employed by the university system of New Hampshire, court security
22 officers and bailiffs, and any state law enforcement officer employed by the state of New Hampshire
23 who has power of arrest as determined by state law.

24 (h) ***"Rescue squad member" means any member of a rescue squad formed for the***
25 ***purposes of responding to a state of emergency as declared by the governor or as part of a***
26 ***search and rescue effort under the supervision of the fish and game department to recover***
27 ***a lost person.***

28 II. In addition to any other benefits provided under this chapter, the state treasurer shall
29 pay a \$100,000 death benefit to the family of a police officer, ~~[or]~~ firefighter, ***emergency medical***
30 ***technician, or rescue squad member*** killed in the line of duty. Payment to a dependent child
31 under the age of 18 shall be made to the child's trustee for the benefit of the child. The governor,
32 with the consent of the executive council, is authorized to draw a warrant for said sum out of any
33 money in the treasury not otherwise appropriated.

34 325:2 Emergency Medical Personnel and Rescue Squad Members; Death Benefits. Amend the
35 introductory paragraph of RSA 21-I:29-a, III to read as follows:

36 III. The commissioner of safety, upon notice from the family or chief of department of any
37 firefighter, ~~[or]~~ police officer, ***emergency medical technician, or rescue squad member*** who may

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1 be entitled to a line-of-duty death benefit or upon the commissioner's own initiative, shall obtain the
2 available records related to the circumstances, cause, and manner of such death and the decedent's
3 status as a firefighter, [Ø] police officer, ***emergency medical technician, or rescue squad***
4 ***member***, may cause further inquiry to be made, and shall make a determination of whether the
5 death qualifies as a line-of-duty death and who is entitled to the death benefit. The determination
6 shall be made within 180 days of the determination of the cause and manner of death by the office of
7 the chief medical examiner, or within 180 days from the date the commissioner received notice from
8 the family or chief of department of the firefighter, [Ø] police officer, ***emergency medical***
9 ***technician, or rescue squad member***, whichever is later. For deaths that are not reviewed by the
10 office of the chief medical examiner, the determination shall be made within 180 days of a
11 determination that the decedent qualifies for a workers' compensation death benefit by a worker's
12 compensation carrier, self-insured worker's compensation plan, or the labor commissioner pursuant
13 to RSA 281-A, or within 180 days from the date the commissioner received notice from the family or
14 chief of department of the firefighter, [Ø] police officer, ***emergency medical technician, or rescue***
15 ***squad member***, whichever is later.

16 325:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 16, 2019
Effective Date: October 15, 2019