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HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 133

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 66, Title 18 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 6601. Definitions [For application of this section, see 79 Del. Laws, c. 434, § 3].

4           As used in this chapter:

5           (2) “Covered person” ~~is defined as~~ means a member of 1 of the following:

6           a. Enrolled firefighters, auxiliary and volunteer ambulance and rescue company members in good  
7     standing, either according to the rules of their Delaware volunteer company, or through their assignment to a  
8     municipal fire company;

9           b. National guard members on state duty pursuant to subchapter V of Chapter 1 of Title 20, and National  
10    Guard members activated for federal service under Title 10 of the United States Code;

11          c. Police officers of any jurisdiction of this State or its subdivisions;

12          d. Correctional officers and probation and parole officers employed by the Department of Correction;

13          e. State merit system employees who qualify for hazard pay under the state merit system regulations Nos.  
14    5.1041 and 5.1042;

15          f. Drivers and attendants of ambulances owned or operated by the American Legion or Veterans of  
16    Foreign Wars for the benefit of the public; provided, however, that such ambulance drivers and attendants have  
17    been certified by the State;

18          g. The Fire Marshal, the Deputy Fire Marshals, Fire Inspectors, Fire Safety Engineer, and the Director,  
19    Senior Instructors and Field Instructors of the Delaware State Fire School;

20          h. Ambulance drivers and State-certified emergency medical technicians (EMTs) of ambulances owned  
21    or operated by ambulance or fire departments, counties, or municipalities for the benefit of the public;

22          i. Law-enforcement officers of the Department of Natural Resources and Environmental Control;

j. Employees of the Department of Transportation routinely employed in job-related activities upon the state highway system, such as toll operators, construction inspectors, equipment operators, bridge inspectors and maintenance staff, and survey crews;

k. Agents of the State Division of Alcohol and Tobacco Enforcement;

l. Officers or agents of the State Police Drug Diversion Unit;

m. Officers or agents of the State Police Sex Offender Apprehension and Registration Unit (SOAR);

n. State forest officers and Special Forest Fire Wardens employed by the Department of Agriculture;

o. Paramedics of any jurisdiction of this State or its subdivisions;

p. Justices of the peace constables;

q. Sheriffs and deputy sheriffs;

r. Security officers, bailiffs and legal assistants performing services as bailiffs in the Supreme Court, Superior Court, Court of Chancery, Court of Common Pleas, Family Court and the Justice of the Peace Courts;

s. Employees of the Department of Natural Resources and Environmental Control while serving aboard watercraft and nonscheduled aircraft;

t. Employees of the Delaware Emergency Management Agency while traveling to, returning from or while performing official duties associated with natural, human error or technological emergencies, including all normal and special assignments;

u. Employees of the Department of Natural Resources and Environmental Control Environmental Response Team while traveling to, returning from, or while performing official duties associated with natural, human error, technological or other emergencies, including all normal and special assignments;

v. Agents employed by a state, county or municipal law-enforcement agency engaged in monitoring sex offenders; or

w. Constables commissioned pursuant to Chapter 56 of Title 24.

(3) a. "Death in the line of duty" ~~shall mean~~ means any death of a covered person under this chapter, arising out of and in the course of that person's assigned duty, including all normal and special assignments as ordered by his or her superiors or assignments undertaken while acting as a law-enforcement officer under rules, directions or regulations promulgated by the appropriate employing authority, within or outside of normal duty hours; provided, however, that death of a covered person occurring while that person is on active duty shall create a rebuttable presumption that such death was a death in the line of duty and that the burden of proof shall be on the employer to

demonstrate by a preponderance of the evidence that such death was not a death in the line of duty. “Death in the line of duty” includes suicide.

b. “Death in the line of duty” with respect to enrolled firefighters, auxiliary members and volunteer ambulance and rescue company members as referred to in paragraph (2)a. of this section shall include in addition to other provisions of this section any death occurring while performing assigned duties, or while traveling to or returning from a fire alarm, rescue operation or any other emergency volunteer fire company action; provided, however, that the phrases “traveling to” and “returning from” shall include the time encompassed by the firefighters’, auxiliary members’ or volunteer ambulance and rescue company members’ entrance into their personal vehicle or company emergency vehicle in response to the alarm or emergency call until their first disembarkation from their personal vehicle at their home, place of employment or other location. “Death in the line of duty” includes suicide.

c. Death in the line of duty shall not include:

1. Death from natural causes, except that death in the line of duty shall include death proximately resulting from a heart attack, stroke, or vascular rupture if the public safety officer, while on duty, engages in a situation involving nonroutine stressful or strenuous physical activity no more than 24 hours before said heart attack, stroke, or vascular rupture; or

2. Accidental death during travel to and from work, except in emergencies and in cases where a covered person is called upon to perform a duty in the course of such travel; or

3. Death as a result of disobedience to or exceeding of orders or instructions from ~~superiors; or~~ superiors.

4. ~~Suicide.~~

#### SYNOPSIS

First responders, including law enforcement officers, firefighters, emergency medical services (EMS) clinicians, and public safety telecommunicators, are crucial to ensuring public safety and health. First responders are at elevated risk for suicide because of the environments in which they work, their culture, and stress, both occupational and personal. This stress can be associated with a specific incident or an accumulation of day-to-day stress. Occupational stress in first responders is associated with increased risk of mental health issues, including hopelessness, anxiety, depression, post-traumatic stress, as well as suicidal behaviors such as suicidal ideation (thinking about or planning suicide) and attempts. Even during routine shifts, first responders can experience stress due to the uncertainty in each situation. During emergencies, disasters, pandemics, and other crises, stress among first responders can be magnified. Relationship problems have also been linked to a large proportion of suicides among the general population (42%). Because first responders can have challenging work schedules and extreme family-work demands, stress caused by relationship problems may also be magnified in this worker group.

Suicide is ranked second for causes of death for law enforcement officers. As of December, 2022, there were 133 law enforcement suicides, and in 2021, there were 160. In November, 2022 alone, there were 9 police officer suicides in this country, including one from Delaware. Law enforcement officers face a 54 percent higher risk of suicide than the general population. An officer involved in a high stress event has a 70% chance of suicide following the next incident if

intervention is not sought, but with intervention, the number drops to 3%. Police officers are also at an elevated risk for depression, substance abuse, and post-traumatic stress disorder.

Law enforcement officers and firefighters are more likely to die by suicide than in the line of duty. A study of more than 1,000 firefighters found that nearly 50% had suicidal thoughts at some point during their career, and about 16% reported one or more suicide attempts. A survey of EMTs and paramedics in the United States found that 37% had contemplated suicide, and 6.6% had attempted it. EMS providers are 1.39 times more likely to die by suicide than the public. Studies have found that between 17% and 24% of public safety telecommunicators have symptoms of PTSD and 24% have symptoms of depression.

A study in Massachusetts found that the suicide rate for corrections officers was at least 7 times higher than the national suicide rate. Another study showed that 10% of corrections officers considered taking their own life, and about 1 in 3 are dealing with PTSD and depression. For the National Guard, there were 117 suicides in 2021 compared to 121 in 2020.

This bill makes clear that suicide is a death in the line of duty for Delaware's first responders, police officers, firefighters, correctional officers and probation officers, and the National Guard.