

CHAPTER 434
FORMERLY
HOUSE BILL NO. 372
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

Section 1. Amend § 6601, Title 18 of the Delaware by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6601 Definitions.

(4) Death in the line of duty shall not include:

a. 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 twenty-four hours before said heart attack, stroke, or vascular rupture;~~ or

b. 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

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

d. Suicide.

Section 2. Amend § 6602, Title 18 of the Delaware Code by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 6602 Payment for beneficiaries; tuition payments; burial expenses.

~~(a)~~ Upon certification by the Insurance Commissioner that a claim under this chapter has been approved, the State Treasurer shall:

(1) For claims submitted prior to July 1, 1997, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(a) of this title of every covered person who dies in the line of duty an amount totalling \$100,000, payable in annual installments with the maximum amount payable in any 1 calendar year being \$20,000. For claims submitted on July 1, 1997, and thereafter, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(a) of this title of every covered person who dies in the line of duty an amount totaling \$150,000, payable in annual installments with the maximum amount payable in any 1 calendar year being \$30,000. Installments shall terminate with the expiration of the beneficiary's eligibility;

(2) Pay, for no more than 4 years, directly to the institution involved, the amount of the tuition of each dependent child of such covered person who dies in the line of duty so long as such child is enrolled in a degree or certificate program at a college or university. The term "tuition" means any amount required for enrollment or attendance of a student. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, extracurricular activities, supplies, equipment, clothing or personal or family expenses;

(3) Unless any payment has been made pursuant to subdivision (1) of this section, pay to the beneficiary or beneficiaries as designated or determined pursuant to § 6603(b) hereof of a covered person as defined in paragraph a., b. or f. of § 6601(1) of this title who dies in the line of duty an amount totalling \$25,000 payable in annual installments with the maximum amount payable in any 1 calendar year being \$5,000. Installments shall terminate with the death of the last surviving beneficiary as determined pursuant to § 6603(b);

(4) Pay, if neither subdivision (1) nor subdivision (3) of this section apply, to the estate of a covered person, as defined in paragraph a., b. or f. of § 6601(1) of this title, who dies in the line of duty an amount not to exceed \$5,000 to be used solely for expenses related to burial of such covered person.

~~(b) Notwithstanding any law to the contrary, there shall be no limit on the period of time during which a person may submit a claim for benefits under this Chapter.~~

Section 3. This Act shall be applicable to all claims for benefits for a death in the line of duty occurring on or after July 1, 2005.

Section 4. This Act shall be known as “The Delaware Hometown Heroes Act”.

Approved September 24, 2014