

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of
2015

INTRODUCED BY TALLMAN, SAYLOR, MILLARD, GRELL, KNOWLES,
DRISCOLL, D. COSTA, BARRAR, R. BROWN, DONATUCCI, DIAMOND,
KORTZ, READSHAW, COHEN, FARRY, GILLEN, DAVIS, SIMS, BROWNLEE,
KIRKLAND, DAWKINS, BURNS AND MURT, JANUARY 22, 2015

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, APRIL 13, 2015

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled,
2 as amended, "An act providing for the payment of death
3 benefits to the surviving spouse or children or parents of
4 firefighters, ambulance service or rescue squad members, law
5 enforcement officers or National Guard members who die as a
6 result of the performance of their duties," FURTHER providing <--
7 for the payment of death benefits AND FOR DEFINITIONS. <--

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1(a) of the act of June 24, 1976
11 (P.L.424, No.101), referred to as the Emergency and Law
12 Enforcement Personnel Death Benefits Act, amended October 9,
13 2009 (P.L.588, No.51), is amended to read:

14 Section 1. (a) In the event a law enforcement officer,
15 ambulance service or rescue squad member, firefighter, certified
16 hazardous material response team member or National Guard member
17 dies as a result of the performance of his duties, [such <--
18 political subdivision, Commonwealth agency or, in the case of

1 National Guard members, the Adjutant General, or, in the case of
2 a member of a Commonwealth law enforcement agency, the
3 authorized survivor or the agency head, within ~~90 days~~ ~~three~~ <--
4 ~~years~~ from the date of death, shall submit certification of such
5 death to the Commonwealth.] AN APPLICATION, INCLUDING A <--
6 CERTIFICATION OF DEATH, SHALL BE MADE TO THE DEPARTMENT WITHIN
7 THREE FOUR YEARS OF THE DATE OF SUCH DEATH BY ANY OF THE <--
8 FOLLOWING:

9 (1) A POLITICAL SUBDIVISION.

10 (2) A COMMONWEALTH AGENCY.

11 (3) IN THE CASE OF NATIONAL GUARD MEMBERS, THE ADJUTANT
12 GENERAL.

13 (4) IN THE CASE OF A MEMBER OF A COMMONWEALTH LAW
14 ENFORCEMENT AGENCY, THE AGENCY HEAD.

15 (5) IN THE CASE OF A CAMPUS POLICE OFFICER, THE UNIVERSITY
16 OR COLLEGE PRESIDENT.

17 (6) ANY SURVIVOR ELIGIBLE FOR PAYMENT OF BENEFITS UNDER THIS
18 ACT, OR INDIVIDUAL AUTHORIZED TO ACT ON THE SURVIVOR'S BEHALF.

19 * * *

20 SECTION 2. THE DEFINITION OF "FIREFIGHTER, AMBULANCE SERVICE <--
21 OR RESCUE SQUAD MEMBER OR LAW ENFORCEMENT OFFICER" IN SECTION 2
22 OF THE ACT, AMENDED OCTOBER 6, 2005 (P.L.319, NO.59), IS AMENDED
23 AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

24 SECTION 2. THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
25 ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS
26 THE CONTEXT CLEARLY INDICATES OTHERWISE:

27 * * *

28 "DEPARTMENT." THE DEPARTMENT OF GENERAL SERVICES OF THE
29 COMMONWEALTH.

30 "FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW

1 ENFORCEMENT OFFICER" MEANS A FIREFIGHTER; A MEMBER OF A
2 VOLUNTEER FIRE COMPANY; A MEMBER OF AN AMBULANCE SERVICE OR
3 RESCUE SQUAD; A PEACE OFFICER AS DEFINED IN 18 PA.C.S. § 501
4 (RELATING TO DEFINITIONS); A PUBLIC SERVANT CONCERNED IN
5 OFFICIAL DETENTION AS DEFINED IN 18 PA.C.S. § 5121 (RELATING TO
6 ESCAPE); AN OFFICER OR EMPLOYEE OF A STATE CORRECTIONAL
7 INSTITUTION; GUARDS OR EMPLOYEES OF COUNTY JAILS AND PRISONS;
8 ~~CAMPUS POLICE AS DEFINED IN SECTION 2416.1(D) OF THE ACT OF~~ <--
9 ~~APRIL 9, 1929 (P.L.117, NO.175), KNOWN AS THE ADMINISTRATIVE~~
10 ~~CODE OF 1929, OR CAMPUS POLICE AS DEFINED IN SECTION 2001 A(20)~~
11 ~~OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE~~
12 ~~PUBLIC SCHOOL CODE OF 1949; OR ANY OTHER LAW ENFORCEMENT OFFICER~~
13 ~~OF THE COMMONWEALTH OF PENNSYLVANIA OR OF ANY POLITICAL~~
14 ~~SUBDIVISION THEREOF. OR ANY OTHER LAW ENFORCEMENT OFFICER [OF]~~ <--
15 EMPLOYED BY THE COMMONWEALTH [OF PENNSYLVANIA] OR [OF ANY] A
16 POLITICAL SUBDIVISION [THEREOF].

17 * * *

18 Section 2 3. The amendment of section 1(a) of the act shall <--
19 apply to an individual whose date of death occurs before, on or
20 after the effective date of this section.

21 Section 3 4. This act shall take effect immediately. <--