

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 365 Session of  
2005

INTRODUCED BY CLYMER, FEBRUARY 9, 2005

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, FEBRUARY 9, 2005

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 killed in the  
6 performance of their duties," further providing for death  
7 benefit eligibility and for definitions.

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

10 Section 1. The title of the act of June 24, 1976 (P.L.424,  
11 No.101), referred to as the Emergency and Law Enforcement  
12 Personnel Death Benefits Act, amended April 2, 2002 (P.L.213,  
13 No.20), is amended to read:

14 AN ACT

15 Providing for the payment of death benefits to the surviving  
16 spouse or children or parents of firefighters, ambulance  
17 service or rescue squad members, law enforcement officers or  
18 National Guard members [killed in] who died as a result of  
19 the performance of their duties.

20 Section 2. Section 1(a), (d), (e) and (f) of the act,

1 amended April 2, 2002 (P.L.213, No.20), are amended and the  
2 section is amended by adding a subsection to read:

3 Section 1. (a) In the event a law enforcement officer,  
4 ambulance service or rescue squad member, firefighter or  
5 National Guard member [is killed in] died as a result of the  
6 performance of his duties, such political subdivision or, in the  
7 case of National Guard members, the Adjutant General, within 30  
8 days from the date of death, shall submit certification of such  
9 death to the Commonwealth.

10 (a.1) A firefighter, ambulance service or rescue squad  
11 member, law enforcement officer or National Guard member who  
12 suffers a fatal heart attack or stroke while on duty or not  
13 later than 24 hours after participating in a physical training  
14 exercise or responding to an emergency is presumed to have died  
15 as a result of the performance of his duties for purposes of  
16 this act.

17 \* \* \*

18 (d) Upon receipt of such certification, the Commonwealth  
19 shall, from moneys payable out of the General Fund, pay to the  
20 political subdivision the sum of [\$50,000] \$100,000, adjusted in  
21 accordance with subsection (f) of this section. Within five days  
22 of receipt of said sum from the Commonwealth, the political  
23 subdivision shall pay such sum as a benefit to the surviving  
24 spouse, or if there is no surviving spouse, to the minor  
25 children of the firefighter, ambulance service or rescue squad  
26 member or law enforcement officer killed in the performance of  
27 duty. When no spouse or minor children survive, the benefit  
28 shall be paid to the parent or parents of such firefighter,  
29 ambulance service or rescue squad member or law enforcement  
30 officer.

1 (e) The Commonwealth of Pennsylvania shall pay out of the  
2 General Fund to the surviving spouse or, if there is no  
3 surviving spouse, the minor children of a National Guard member,  
4 State police officer or other law enforcement officer of the  
5 Commonwealth killed in the performance of his duties the sum of  
6 [\$50,000] \$100,000, adjusted in accordance with subsection (f)  
7 of this section. When no spouse or minor children survive, the  
8 benefit shall be paid to the parent or parents of such National  
9 Guard member, State police officer or other law enforcement  
10 officer of the Commonwealth. The benefit shall be payable  
11 whether or not the National Guard member or officer was killed  
12 within the Commonwealth of Pennsylvania.

13 (f) On July 1 of each fiscal year beginning after January 1,  
14 [1995] 2004, the Commonwealth shall adjust the level of the  
15 benefit payable immediately before July 1 under subsections (d)  
16 and (e) of this section to reflect the annual percentage change  
17 in the Consumer Price Index for All Urban Consumers, published  
18 by the United States Department of Commerce, Bureau of Labor  
19 Statistics, occurring in the one-year period ending on January 1  
20 immediately preceding July 1.

21 \* \* \*

22 Section 3. Section 2 of the act, amended October 16, 1981  
23 (P.L.295, No.102), is amended to read:

24 Section 2. "Firefighter, ambulance service or rescue squad  
25 member or law enforcement officer" means a firefighter[,]; a  
26 member of a volunteer fire company[,]; a member of an ambulance  
27 service or rescue squad[,]; a peace officer as defined in 18  
28 Pa.C.S. § 501 (relating to definitions)[,]; a public servant  
29 concerned in official detention as defined in 18 Pa.C.S. § 5121  
30 (relating to escape)[,]; a an officer or employee of a State

1 correctional institution[,]; guards or employees of county jails  
2 and prisons; or any other law enforcement officer of the  
3 Commonwealth of Pennsylvania or of any political subdivision  
4 thereof.

5 Section 4. The amendment or addition of the title and  
6 sections 1(a), (a.1), (d), (e) and (f) and 2 of the act shall be  
7 retroactive to January 1, 2003.

8 Section 5. This act shall take effect immediately.