

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2264 Session of
1991

INTRODUCED BY PESCI, STURLA, McNALLY, FARGO, KOSINSKI, MELIO,
J. TAYLOR, TRICH, CARLSON, MIHALICH, KRUSZEWSKI, HERMAN,
BELARDI, FAJT, RUDY, BOWLEY, KENNEY, VAN HORNE, SALOOM,
STABACK, FOX, O'BRIEN, TIGUE, COY, ARMSTRONG, DERMODY,
STEIGHNER, STRITTMATTER, BELFANTI, ITKIN, PISTELLA, BILLOW,
LAWLESS, NICKOL, HASAY, JAROLIN, PETRARCA, E. Z. TAYLOR,
KUKOVICH, SURRA, KING, RICHARDSON, THOMAS AND VEON,
DECEMBER 10, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 10, 1991

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 or
5 law enforcement officers killed in the performance of their
6 duties," providing for benefit coverage during mutual aid
7 assistance.

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

10 Section 1. Section 1 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 October 16, 1981 (P.L.295,
13 No.102), is amended to read:

14 Section 1. In the event a law enforcement officer, ambulance
15 service or rescue squad member or firefighter is killed in the
16 performance of his duties, such political subdivision within 30
17 days from the date of death shall submit certification of such

1 death to the Commonwealth. A volunteer firefighter shall be
2 deemed to be acting in the performance of his duties for the
3 purposes of this act going to or directly returning from a fire
4 which the fire company or fire department attended including
5 travel from and direct return to a firefighter's home, place of
6 business or other place where he or she shall have been when he
7 or she received the call or alarm or while participating in
8 instruction fire drills in which the fire department or fire
9 company shall have participated or while repairing or doing
10 other work about or on the fire apparatus or buildings and
11 grounds of the fire company or fire department upon the
12 authorization of the chief of the fire company or fire
13 department or other person in charge or while answering any
14 emergency calls for any purpose or while riding upon the fire
15 apparatus which is owned or used by the fire company or fire
16 department or while performing any other duties of such fire
17 company or fire department as authorized by the municipality or
18 while performing duties imposed by section 15, act of April 27,
19 1927 (P.L.465, No.299), referred to as the Fire and Panic Act. A
20 volunteer ambulance service or rescue squad member shall be
21 deemed to be acting in the performance of his duties for the
22 purposes of this act going to or directly returning from an
23 emergency which the ambulance service or rescue squad attended
24 including travel from and direct return to an ambulance service
25 or rescue squad member's home, place of business or other place
26 where he or she shall have been when he or she received the call
27 or alarm or while participating in drills in which the ambulance
28 service or rescue squad shall have participated or while
29 repairing or doing other work about or on any emergency vehicle
30 or buildings and grounds of the ambulance service or rescue

1 squad upon the authorization of the chief of the ambulance
2 service or rescue squad or other person in charge while
3 answering any emergency calls for any purpose or while riding
4 upon any vehicles which are owned or used by the ambulance
5 service or rescue squad. Upon receipt of such certification, the
6 Commonwealth shall, from moneys payable out of the General Fund,
7 pay to the political subdivision the sum of \$25,000. Within five
8 days of receipt of said sum from the Commonwealth, the political
9 subdivision shall pay such sum as a benefit to the surviving
10 spouse, or if there is no surviving spouse, to the minor
11 children of the firefighter, ambulance service or rescue squad
12 member or law enforcement officer killed in the performance of
13 duty. When no spouse or minor children survive, the benefit
14 shall be paid to the parent or parents of such firefighter,
15 ambulance service or rescue squad member or law enforcement
16 officer.

17 The Commonwealth of Pennsylvania shall pay out of the General
18 Fund to the surviving spouse, or, if there is no surviving
19 spouse, the minor children of a State police officer or other
20 law enforcement officer of the Commonwealth killed in the
21 performance of his duties the sum of \$25,000. When no spouse or
22 minor children survive, the benefit shall be paid to the parent
23 or parents of such State police officer or other law enforcement
24 officer of the Commonwealth. The benefit shall be payable
25 whether or not the officer was killed within the Commonwealth of
26 Pennsylvania.

27 Benefit coverage shall be granted for law enforcement
28 officers, ambulance service or rescue squad members or
29 firefighters who are killed during mutual aid assistance
30 notwithstanding the existence or absence of mutual aid

1 agreements between participating municipalities.

2 Section 2. This act shall take effect in 60 days.