

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2285 Session of
2003

INTRODUCED BY HUTCHINSON, SEMMEL, TIGUE, SATHER, SOLOBAY,
BALDWIN, BARD, BASTIAN, BEBKO-JONES, BELFANTI, BENNINGHOFF,
CAPPELLI, CAUSER, CLYMER, COLEMAN, COY, DALEY, DALLY,
DENLINGER, DeWEESE, J. EVANS, FORCIER, GEIST, GEORGE,
GERGELY, GODSHALL, GOOD, GRUCELA, HALUSKA, HARHAI, HARRIS,
HASAY, HERMAN, HESS, HICKERNELL, KILLION, KIRKLAND, LEACH,
LEDERER, MACKERETH, MARSICO, McGEEHAN, NAILOR, O'NEILL,
PAYNE, PETRARCA, SCAVELLO, B. SMITH, STERN, R. STEVENSON,
TANGRETTI, E. Z. TAYLOR, THOMAS, WANSACZ, WATSON, WEBER,
WILT, YOUNGBLOOD, YUDICHAK, ZUG, BROWNE, SAYLOR AND GOODMAN,
DECEMBER 23, 2003

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,
MARCH 15, 2004

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.

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

10 ~~Section 1. Section 2.1 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 April 2, 2002 (P.L.213,~~
13 ~~No.20), is amended to read:~~

14 ~~Section 2.1. This act shall be broadly construed to grant~~
15 ~~benefits to firefighters, ambulance service or rescue squad~~

1 ~~members, law enforcement officers or National Guard personnel~~
2 ~~for deaths related to the performance of their duties. A~~
3 ~~firefighter, ambulance service or rescue squad member, law~~
4 ~~enforcement officer or National Guard member who suffers a fatal~~
5 ~~heart attack or stroke while on duty or not later than 24 hours~~
6 ~~after participating in a physical training exercise or~~
7 ~~responding to an emergency is presumed to have died in the line~~
8 ~~of duty for purposes of this act.~~

9 ~~Section 2. This act shall take effect immediately.~~

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) OF THE ACT, AMENDED APRIL 2, 2002
21 (P.L.213, NO.20), IS AMENDED AND THE SECTION IS AMENDED BY
22 ADDING A SUBSECTION TO READ:

23 SECTION 1. (A) IN THE EVENT A LAW ENFORCEMENT OFFICER,
24 AMBULANCE SERVICE OR RESCUE SQUAD MEMBER, FIREFIGHTER OR
25 NATIONAL GUARD MEMBER [IS KILLED IN] DIED AS A RESULT OF THE
26 PERFORMANCE OF HIS DUTIES, SUCH POLITICAL SUBDIVISION OR, IN THE
27 CASE OF NATIONAL GUARD MEMBERS, THE ADJUTANT GENERAL, WITHIN 30
28 DAYS FROM THE DATE OF DEATH, SHALL SUBMIT CERTIFICATION OF SUCH
29 DEATH TO THE COMMONWEALTH.

30 (A.1) A FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD

1 MEMBER, LAW ENFORCEMENT OFFICER OR NATIONAL GUARD MEMBER WHO
2 SUFFERS A FATAL HEART ATTACK OR STROKE WHILE ON DUTY OR NOT
3 LATER THAN 24 HOURS AFTER PARTICIPATING IN A PHYSICAL TRAINING
4 EXERCISE OR RESPONDING TO AN EMERGENCY IS PRESUMED TO HAVE DIED
5 AS A RESULT OF THE PERFORMANCE OF HIS DUTIES FOR PURPOSES OF
6 THIS ACT.

7 * * *

8 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.