

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 159 Session of
2005

INTRODUCED BY BOSCOLA, STACK, O'PAKE, KASUNIC, COSTA,
TARTAGLIONE, MUSTO, PIPPY, ORIE, LOGAN, RAFFERTY, WAUGH,
KITCHEN, ERICKSON, LAVALLE AND GREENLEAF, FEBRUARY 4, 2005

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 4, 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:

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] 2005, 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. This act shall take effect as follows:

6 (1) The amendment of sections 1(d), (e) and (f) and 2 of
7 the act shall take effect in 60 days.

8 (2) The remainder of this act shall take effect
9 immediately.