

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2109 Session of 2021

INTRODUCED BY ZABEL, MATZIE, KINKEAD, HILL-EVANS, FREEMAN, KULIK, MADDEN, SCHLOSSBERG, KINSEY, SANCHEZ, McNEILL, T. DAVIS, HOHENSTEIN, BURNS, SNYDER, MALAGARI, DELLOSO, O'MARA, HANBIDGE, WEBSTER, PISCIOTTANO, VITALI, KRUEGER, D. WILLIAMS, ISAACSON, ROZZI, KIM, A. DAVIS, BENHAM, INNAMORATO, CEPHAS, WARREN, SAMUELSON, PARKER, BURGOS, DEASY, GUENST, OTTEN AND CIRESI, NOVEMBER 23, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, NOVEMBER 23, 2021

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled
2 "An act providing for the payment of death benefits to the
3 surviving spouse or children or parents of firefighters,
4 ambulance service or rescue squad members, law enforcement
5 officers or National Guard members who die as a result of the
6 performance of their duties," further providing for title of
7 act; and adding provisions relating to district attorneys and
8 public defenders.

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

11 Section 1. The title of the act of June 24, 1976 (P.L.424,
12 No.101), referred to as the Emergency and Law Enforcement
13 Personnel Death Benefits Act, 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,
18 district attorneys, public defenders or National Guard

members who die as a result of the performance of their duties.

Section 2. Section 1(a), (a.1) and (d) of the act are amended and the section is amended by adding subsections to read:

Section 1. (a) In the event a law enforcement officer, district attorney, public defender, ambulance service or rescue squad member, firefighter, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member dies as a result of the performance of his duties, an application, including a certification of death, shall be made to the department within three years of the date of such death by any of the following:

(1) A political subdivision.

(2) A Commonwealth agency.

(3) In the case of National Guard members, the Adjutant General.

(4) In the case of a member of a Commonwealth law enforcement agency, the agency head.

(5) In the case of a campus police officer, the university or college president.

(6) Any survivor eligible for payment of benefits under this act or individual authorized to act on the survivor's behalf.

(7) In the case of the Pennsylvania Civil Air Patrol, the State Commander.

(a.1) A firefighter, ambulance service or rescue squad member, law enforcement officer, district attorney, public defender, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member who suffers a fatal heart attack or stroke while on duty

1 or not later than 24 hours after participating in a physical
2 training exercise or responding to an emergency is presumed to
3 have died as a result of the performance of his duties for
4 purposes of this act.

5 * * *

6 (d) Upon receipt of such certification, the Commonwealth
7 shall, from moneys payable out of the General Fund, pay to the
8 surviving spouse or, if there is no surviving spouse, to the
9 minor children of the paid firefighter, ambulance service or
10 rescue squad member [or], law enforcement officer, district
11 attorney or public defender who died as a result of the
12 performance of his duty the sum of \$100,000, adjusted in
13 accordance with subsection (f) of this section and an amount
14 equal to the monthly salary, adjusted in accordance with
15 subsection (f) of this section, of the deceased paid
16 firefighter, ambulance service or rescue squad member [or], law
17 enforcement officer, district attorney or public defender, less
18 any workers' compensation or pension or retirement benefits paid
19 to such survivors, and shall continue such monthly payments
20 until there is no eligible beneficiary to receive them. For the
21 purpose of this subsection, the term "eligible beneficiary"
22 means the surviving spouse or the child or children under the
23 age of eighteen years or, if attending college, under the age of
24 twenty-three years, of the firefighter, ambulance service or
25 rescue squad member [or], law enforcement officer, district
26 attorney or public defender who died as a result of the
27 performance of his duty. When no spouse or minor children
28 survive, a single sum of \$100,000, adjusted in accordance with
29 subsection (f) of this section, shall be paid to the parent or
30 parents of such firefighter, ambulance service member, rescue

squad member [or], law enforcement officer, district attorney or public defender.

* * *

(h) A district attorney shall be deemed to be acting in the performance of his duties for the purposes of this act when acting in accordance with Article XIV of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

(i) A public defender shall be deemed to be acting in the performance of his duties for the purposes of this act when acting in accordance with the act of December 2, 1968 (P.L.1144, No.358), known as the Public Defender Act.

Section 3. Sections 2 and 2.1 of the act are amended to read:

Section 2. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certified hazardous material response team member" means a person who is part of a group of individuals who are certified and organized by a Commonwealth agency, a local agency or a regional hazardous material organization for the primary purpose of providing emergency response services which is dispatched by a public safety answering point to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act.

Hazardous material response team members who are dispatched by a public safety answering point may also be certified to perform stabilization actions needed to remove threats to public health

1 and the environment from hazardous material releases. A member
2 of a for-profit hazardous material response team that was not
3 dispatched by a public safety answering point, is acting as an
4 agent on behalf of the spiller or responsible party or is
5 responsible for post-emergency or nonemergency response
6 hazardous materials/hazardous waste clean-up activities is not
7 eligible for compensation that is provided for under this act.

8 "Department" means the Department of General Services of the
9 Commonwealth.

10 "District attorney" means an elected or appointed district
11 attorney or an assistant district attorney.

12 "Firefighter, ambulance service or rescue squad member or law
13 enforcement officer" means a firefighter; a member of a
14 volunteer fire company; a member of an ambulance service or
15 rescue squad; a peace officer as defined in 18 Pa.C.S. § 501
16 (relating to definitions); a public servant concerned in
17 official detention as defined in 18 Pa.C.S. § 5121 (relating to
18 escape); an officer or employee of a State correctional
19 institution; guards or employees of county jails and prisons; or
20 any other law enforcement officer employed by the Commonwealth
21 or a political subdivision.

22 "Public defender" means a public defender or an assistant
23 public defender.

24 "Public safety answering point" means the Pennsylvania
25 Emergency Management Agency-approved first point at which calls
26 for emergency assistance from individuals are answered, operated
27 24 hours a day.

28 Section 2.1. This act shall be broadly construed to grant
29 benefits to firefighters, ambulance service or rescue squad
30 members, law enforcement officers, district attorneys, public

1 defenders or National Guard personnel for deaths related to the
2 performance of their duties.

3 Section 4. This act shall take effect in 60 days.