

MILITARY AND VETERANS CODE (51 PA.C.S.) - DEFINITIONS

Act of Jul. 7, 2022, P.L. 474, No. 44

Cl. 51

Session of 2022

No. 2022-44

SB 849

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in veterans' preference, further providing for definitions; and, in voluntary veterans' preference in private employment, further providing for definitions.

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

Section 1. The definitions of "surviving spouse" and "veteran" in sections 7101.2 and 7202 of Title 51 of the Pennsylvania Consolidated Statutes are amended and the sections are amended by adding definitions to read:

§ 7101.2. Definitions.

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

\* \* \*

"Surviving spouse." An unmarried spouse of a deceased **veteran or of a service member who died on active duty in the United States Armed Forces, including a reserve component or National Guard.**

"Under conditions other than dishonorable." A condition in which a recipient of a discharge from service is any of the following:

(1) A recipient of an honorable discharge.

(2) A recipient of a general, under honorable conditions, discharge.

(3) A recipient of a discharge under other than dishonorable conditions for which the recipient has been determined to be eligible for benefits afforded by the United States Department of Veterans Affairs.

"Veteran." The term includes:

(1) An individual who served, as evidenced by the veteran's discharge papers, separation documents or statement of service, or hereafter serves in any of the following:

(i) in the armed forces of the United States, including a reserve component or National Guard, has completed their initial contractual military service obligation and their last discharge or release was under conditions other than dishonorable;

(ii) in the armed forces of the United States, including a reserve component or National Guard, has served during a period of war or armed conflict as determined by the United States Department of Defense, has completed a tour of active duty for purposes other than training, was released from that period of active duty under conditions other than dishonorable and continues to serve; [or]

(iii) in the armed forces of the United States, including a reserve component or National Guard, has

completed an initial contractual military service obligation and continues to serve[.]; or

**(iv) in the armed forces of the United States, including a reserve component or National Guard, whose last discharge was due to a disability and under conditions other than dishonorable.**

(2) An active duty member of the armed forces of the United States who is completing a tour of active duty that is three years or more and is within 90 days of an approved discharge or release, as evidenced by documentation of the projected discharge or release from active duty under conditions other than dishonorable.

§ 7202. Definitions.

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

\* \* \*

"Surviving spouse." An unmarried spouse of a deceased [service member] **veteran or of a service member who died on active duty in the United States Armed Forces, including a reserve component or National Guard.**

"Under conditions other than dishonorable." A condition in which a recipient of a discharge from service is any of the following:

(1) A recipient of an honorable discharge.

(2) A recipient of a general, under honorable conditions, discharge.

(3) A recipient of a discharge under other than dishonorable conditions for which the recipient has been determined to be eligible for benefits afforded by the United States Department of Veterans Affairs.

"Veteran." The term includes:

(1) An individual who served, as evidenced by the veteran's discharge papers or separation documents, or hereafter serves in any of the following:

(i) in the armed forces of the United States, including a reserve component or National Guard, has completed their initial contractual military service obligation and their last discharge or release was under conditions other than dishonorable;

(ii) in the armed forces of the United States, including a reserve component or National Guard, has served during a period of war or armed conflict as determined by the United States Department of Defense, has completed a tour of active duty for purposes other than training, was released from that period of active duty under conditions other than dishonorable and continues to serve; [or]

(iii) in the armed forces of the United States, including a reserve component or National Guard, has completed an initial contractual military service obligation and continues to serve[.]; or

**(iv) in the armed forces of the United States, including a reserve component or National Guard, whose last discharge was due to a disability and under conditions other than dishonorable.**

(2) An active duty member of the armed forces of the United States who is completing a tour of active duty that is three years or more and is within 90 days of an approved discharge or release, as evidenced by documentation of the projected discharge or release from active duty under conditions other than dishonorable.

\* \* \*

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

APPROVED--The 7th day of July, A.D. 2022.

TOM WOLF