

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 892 Session of  
1989

INTRODUCED BY MAYERNIK, KOSINSKI, MRKONIC, FOX, GODSHALL,  
COWELL, BILLOW, JOHNSON, MORRIS, CESSAR, HESS, MICHLOVIC,  
STABACK, TRELLO, KUKOVICH, COLE, McCALL, ITKIN, RYBAK,  
B. SMITH, ROBBINS, DIETTERICK, GANNON, VAN HORNE, JAROLIN,  
DeLUCA, LEVDANSKY, HERMAN, RAYMOND, LAUGHLIN, REBER, BURD,  
D. W. SNYDER, CAWLEY, PISTELLA, E. Z. TAYLOR, CLYMER, ADOLPH,  
CORNELL, MARSICO, HALUSKA, LASHINGER, MICOZZIE, OLASZ,  
McVERRY, NOYE, GIGLIOTTI, SAURMAN, KASUNIC, NAHILL,  
R. C. WRIGHT AND J. H. CLARK, APRIL 3, 1989

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 1989

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," further providing for benefits.

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

9 Section 1. Section 1 of the act of June 24, 1976 (P.L.424,  
10 No.101), referred to as the Emergency and Law Enforcement  
11 Personnel Death Benefits Act, amended October 16, 1981 (P.L.295,  
12 No.102), is amended to read:

13 Section 1. (a) In the event a law enforcement officer,  
14 ambulance service or rescue squad member or firefighter is  
15 killed in the performance of his duties or dies suddenly and  
16 accidentally as a direct result of a trauma sustained in the

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

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

20 (b) A death as the result of performance of duty shall mean  
21 a death caused, in whole or in part, by the performance of duty.  
22 Presentation of a notarized statement from a physician that  
23 death was caused, in whole or in part, as a result of the  
24 performance of duty, shall constitute a prima facie presumption  
25 that death was so caused. The statement shall be accompanied by  
26 a detailed analysis of the reason for the physician's findings.

27 (c) The Commonwealth of Pennsylvania shall pay out of the  
28 General Fund to the surviving spouse, or, if there is no  
29 surviving spouse, the minor children of a State police officer  
30 or other law enforcement officer of the Commonwealth killed in

1 the performance of his duties or dying suddenly and accidentally  
2 as the direct result of a trauma sustained in the performance of  
3 duty, the sum of \$25,000. When no spouse or minor children  
4 survive, the benefit shall be paid to the parent or parents of  
5 such State police officer or other law enforcement officer of  
6 the Commonwealth. The benefit shall be payable whether or not  
7 the officer was killed or died within the Commonwealth of  
8 Pennsylvania.

9 (d) As used in this section, "trauma" shall include both  
10 physical and emotional trauma and shall include, specifically,  
11 heart attack, stroke or ruptured cerebral aneurysm that occurs  
12 during a stressful performance of duty.

13 Section 2. This act shall be retroactive to June 24, 1976.

14 Section 3. This act shall take effect immediately.