

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1834 Session of  
1994

INTRODUCED BY MOWERY, WENGER AND SHUMAKER, SEPTEMBER 16, 1994

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 1994

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," increasing the benefit amount.~~  
7 AMENDING THE ACT OF JUNE 24, 1976 (P.L.424, NO.101), ENTITLED, <—  
8 AS AMENDED, "AN ACT PROVIDING FOR THE PAYMENT OF DEATH  
9 BENEFITS TO THE SURVIVING SPOUSE OR CHILDREN OR PARENTS OF  
10 FIREFIGHTERS, AMBULANCE SERVICE OR RESCUE SQUAD MEMBERS OR  
11 LAW ENFORCEMENT OFFICERS KILLED IN THE PERFORMANCE OF THEIR  
12 DUTIES," INCREASING THE AMOUNT OF DEATH BENEFITS; EXTENDING  
13 BENEFITS TO SURVIVORS OF HAZARDOUS MATERIAL RESPONSE TEAM  
14 MEMBERS; DEFINING "KILLED"; AND PROVIDING FOR CONSTRUCTION OF  
15 THE ACT.

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

18 ~~Section 1. Section 1 of the act of June 24, 1976 (P.L.424,~~ <—  
19 ~~No.101), referred to as the Emergency and Law Enforcement~~  
20 ~~Personnel Death Benefits Act, amended October 16, 1981 (P.L.295,~~  
21 ~~No.102), is amended to read:~~

22 Section 1. ~~(a)~~ In the event a law enforcement officer,  
23 ~~ambulance service or rescue squad member or firefighter is~~

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

1 ~~repairing or doing other work about or on any emergency vehicle~~  
2 ~~or buildings and grounds of the ambulance service or rescue~~  
3 ~~squad upon the authorization of the chief of the ambulance~~  
4 ~~service or rescue squad or other person in charge while~~  
5 ~~answering any emergency calls for any purpose or while riding~~  
6 ~~upon any vehicles which are owned or used by the ambulance~~  
7 ~~service or rescue squad. Upon receipt of such certification, the~~  
8 ~~Commonwealth shall, from moneys payable out of the General Fund,~~  
9 ~~pay to the political subdivision the sum of [\$25,000] \$100,000.~~  
10 ~~Within five days of receipt of said sum from the Commonwealth,~~  
11 ~~the political subdivision shall pay such sum as a benefit to the~~  
12 ~~surviving spouse, or if there is no surviving spouse, to the~~  
13 ~~minor children of the firefighter, ambulance service or rescue~~  
14 ~~squad member or law enforcement officer killed in the~~  
15 ~~performance of duty. When no spouse or minor children survive,~~  
16 ~~the benefit shall be paid to the parent or parents of such~~  
17 ~~firefighter, ambulance service or rescue squad member or law~~  
18 ~~enforcement officer.~~

19 ~~(b) The Commonwealth of Pennsylvania shall pay out of the~~  
20 ~~General Fund to the surviving spouse, or, if there is no~~  
21 ~~surviving spouse, the minor children of a State police officer~~  
22 ~~or other law enforcement officer of the Commonwealth killed in~~  
23 ~~the performance of his duties the sum of [\$25,000] \$100,000.~~  
24 ~~When no spouse or minor children survive, the benefit shall be~~  
25 ~~paid to the parent or parents of such State police officer or~~  
26 ~~other law enforcement officer of the Commonwealth. The benefit~~  
27 ~~shall be payable whether or not the officer was killed within~~  
28 ~~the Commonwealth of Pennsylvania.~~

29 SECTION 1. THE TITLE AND SECTIONS 1 AND 2 OF THE ACT OF JUNE <—  
30 24, 1976 (P.L.424, NO.101), REFERRED TO AS THE EMERGENCY AND LAW

1 ENFORCEMENT PERSONNEL DEATH BENEFITS ACT, AMENDED OCTOBER 16,  
2 1981 (P.L.295, NO.102), ARE AMENDED TO READ:

3 AN ACT

4 PROVIDING FOR THE PAYMENT OF DEATH BENEFITS TO THE SURVIVING  
5 SPOUSE OR CHILDREN OR PARENTS OF FIREFIGHTERS, HAZARDOUS  
6 MATERIAL RESPONSE TEAM MEMBERS, AMBULANCE SERVICE OR RESCUE  
7 SQUAD MEMBERS OR LAW ENFORCEMENT OFFICERS KILLED IN THE  
8 PERFORMANCE OF THEIR DUTIES.

9 SECTION 1. (A) IN THE EVENT A LAW ENFORCEMENT OFFICER,  
10 AMBULANCE SERVICE OR RESCUE SQUAD MEMBER [OR], FIREFIGHTER OR  
11 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER IS KILLED IN THE  
12 PERFORMANCE OF HIS DUTIES, SUCH POLITICAL SUBDIVISION WITHIN 30  
13 DAYS FROM THE DATE OF DEATH SHALL SUBMIT CERTIFICATION OF SUCH  
14 DEATH TO THE COMMONWEALTH.

15 (B) A VOLUNTEER FIREFIGHTER SHALL BE DEEMED TO BE ACTING IN  
16 THE PERFORMANCE OF HIS DUTIES FOR THE PURPOSES OF THIS ACT GOING  
17 TO OR DIRECTLY RETURNING FROM A FIRE WHICH THE FIRE COMPANY OR  
18 FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN  
19 TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR OTHER PLACE WHERE  
20 HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE RECEIVED THE CALL OR  
21 ALARM OR WHILE PARTICIPATING IN INSTRUCTION FIRE DRILLS IN WHICH  
22 THE FIRE DEPARTMENT OR FIRE COMPANY SHALL HAVE PARTICIPATED OR  
23 WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON THE FIRE  
24 APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE COMPANY OR FIRE  
25 DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF OF THE FIRE  
26 COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE OR WHILE  
27 ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE RIDING  
28 UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE FIRE  
29 COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER DUTIES  
30 OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY THE

1 MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION 15,  
2 ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE FIRE  
3 AND PANIC ACT.

4 (C) A VOLUNTEER AMBULANCE SERVICE OR RESCUE SQUAD MEMBER  
5 SHALL BE DEEMED TO BE ACTING IN THE PERFORMANCE OF HIS DUTIES  
6 FOR THE PURPOSES OF THIS ACT GOING TO OR DIRECTLY RETURNING FROM  
7 AN EMERGENCY WHICH THE AMBULANCE SERVICE OR RESCUE SQUAD  
8 ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO AN AMBULANCE  
9 SERVICE OR RESCUE SQUAD MEMBER'S HOME, PLACE OF BUSINESS OR  
10 OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE  
11 RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN DRILLS IN  
12 WHICH THE AMBULANCE SERVICE OR RESCUE SQUAD SHALL HAVE  
13 PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON  
14 ANY EMERGENCY VEHICLE OR BUILDINGS AND GROUNDS OF THE AMBULANCE  
15 SERVICE OR RESCUE SQUAD UPON THE AUTHORIZATION OF THE CHIEF OF  
16 THE AMBULANCE SERVICE OR RESCUE SQUAD OR OTHER PERSON IN CHARGE  
17 WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE  
18 RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED BY THE  
19 AMBULANCE SERVICE OR RESCUE SQUAD.

20 (C.1) A HAZARDOUS MATERIAL RESPONSE TEAM MEMBER SHALL BE  
21 DEEMED TO BE ACTING IN THE PERFORMANCE OF THE MEMBER'S DUTIES  
22 FOR THE PURPOSES OF THIS ACT UNDER THE FOLLOWING CIRCUMSTANCES:

23 (1) GOING TO OR DIRECTLY RETURNING FROM THE SITE OF A  
24 RELEASE OR THREAT OF A RELEASE OF A HAZARDOUS MATERIAL,  
25 INCLUDING TRAVEL FROM AND DIRECT RETURN TO A HAZARDOUS MATERIAL  
26 RESPONSE TEAM MEMBER'S HOME, PLACE OF BUSINESS OR OTHER PLACE  
27 WHERE THE MEMBER SHALL HAVE BEEN WHEN THE MEMBER RECEIVED THE  
28 CALL;

29 (2) WHILE PARTICIPATING IN DRILLS IN WHICH THE HAZARDOUS  
30 MATERIAL RESPONSE TEAM SHALL HAVE PARTICIPATED;

1     (3) WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON  
2     HAZARDOUS MATERIAL RESPONSE TEAM VEHICLES OR BUILDINGS AND  
3     GROUNDS OF THE HAZARDOUS MATERIAL RESPONSE TEAM UPON THE  
4     AUTHORIZATION OF THE LEADER OF THE HAZARDOUS MATERIAL RESPONSE  
5     TEAM OR OTHER PERSON IN CHARGE;

6     (4) WHILE ANSWERING ANY CALLS FOR ANY PURPOSE; OR

7     (5) WHILE RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED  
8     BY THE HAZARDOUS MATERIAL RESPONSE TEAM.

9     (D) UPON RECEIPT OF SUCH CERTIFICATION, THE COMMONWEALTH  
10    SHALL, FROM MONEYS PAYABLE OUT OF THE GENERAL FUND, PAY TO THE  
11    POLITICAL SUBDIVISION THE SUM OF [\$25,000.] \$50,000, ADJUSTED IN  
12    ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WITHIN FIVE DAYS  
13    OF RECEIPT OF SAID SUM FROM THE COMMONWEALTH, THE POLITICAL  
14    SUBDIVISION SHALL PAY SUCH SUM AS A BENEFIT TO THE SURVIVING  
15    SPOUSE, OR IF THERE IS NO SURVIVING SPOUSE, TO THE MINOR  
16    CHILDREN OF THE FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD  
17    MEMBER, HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR LAW  
18    ENFORCEMENT OFFICER KILLED IN THE PERFORMANCE OF DUTY. WHEN NO  
19    SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO  
20    THE PARENT OR PARENTS OF SUCH FIREFIGHTER, AMBULANCE SERVICE OR  
21    RESCUE SQUAD MEMBER, HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR  
22    LAW ENFORCEMENT OFFICER.

23    (E) THE COMMONWEALTH OF PENNSYLVANIA SHALL PAY OUT OF THE  
24    GENERAL FUND TO THE SURVIVING SPOUSE, OR, IF THERE IS NO  
25    SURVIVING SPOUSE, THE MINOR CHILDREN OF A STATE POLICE OFFICER  
26    OR OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH KILLED IN  
27    THE PERFORMANCE OF HIS DUTIES THE SUM OF [\$25,000.] \$50,000,  
28    ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WHEN  
29    NO SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID  
30    TO THE PARENT OR PARENTS OF SUCH STATE POLICE OFFICER OR OTHER

1 LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH. THE BENEFIT SHALL  
2 BE PAYABLE WHETHER OR NOT THE OFFICER WAS KILLED WITHIN THE  
3 COMMONWEALTH OF PENNSYLVANIA.

4 (F) ON JULY 1 OF EACH FISCAL YEAR BEGINNING AFTER JANUARY 1,  
5 1995, THE COMMONWEALTH SHALL ADJUST THE LEVEL OF THE BENEFIT  
6 PAYABLE IMMEDIATELY BEFORE JULY 1 UNDER SUBSECTIONS (D) AND (E)  
7 OF THIS SECTION TO REFLECT THE ANNUAL PERCENTAGE CHANGE IN THE  
8 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, PUBLISHED BY THE  
9 UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF LABOR  
10 STATISTICS, OCCURRING IN THE ONE-YEAR PERIOD ENDING ON JANUARY 1  
11 IMMEDIATELY PRECEDING JULY 1.

12 SECTION 2. AS USED IN THIS ACT:

13 "FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER,  
14 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR LAW ENFORCEMENT  
15 OFFICER" MEANS [A]:

16 (1) A FIREFIGHTER[, ] OR MEMBER OF A VOLUNTEER FIRE  
17 COMPANY[, ].

18 (2) A MEMBER OF AN AMBULANCE SERVICE OR RESCUE SQUAD[, ].

19 (3) A PEACE OFFICER AS DEFINED IN 18 PA.C.S. § 501 (RELATING  
20 TO DEFINITIONS)[, ].

21 (4) A PUBLIC SERVANT CONCERNED IN OFFICIAL DETENTION AS  
22 DEFINED IN 18 PA.C.S. § 5121 (RELATING TO ESCAPE)[, AN].

23 (5) AN OFFICER OR EMPLOYEE OF A STATE CORRECTIONAL  
24 INSTITUTION[, ] OR GUARDS OR EMPLOYEES OF COUNTY JAILS AND  
25 PRISONS [OR].

26 (6) ANY OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH OF  
27 PENNSYLVANIA OR OF ANY POLITICAL SUBDIVISION THEREOF.

28 (7) A MEMBER OF A HAZARDOUS MATERIAL RESPONSE TEAM WHICH IS  
29 ORGANIZED BY A COMMONWEALTH AGENCY, A LOCAL AGENCY, A REGIONAL  
30 HAZARDOUS MATERIAL ORGANIZATION OR A VOLUNTEER SERVICE

1 ORGANIZATION FOR THE PRIMARY PURPOSE OF PROVIDING EMERGENCY  
2 SERVICES TO MITIGATE ACTUAL OR POTENTIAL IMMEDIATE THREATS TO  
3 PUBLIC HEALTH AND THE ENVIRONMENT IN RESPONSE TO THE RELEASE OR  
4 THREAT OF A RELEASE OF A HAZARDOUS MATERIAL AND CERTIFIED,  
5 TRAINED AND EQUIPPED IN ACCORDANCE WITH THE ACT OF DECEMBER 7,  
6 1990 (P.L.639, NO.165), KNOWN AS THE "HAZARDOUS MATERIAL  
7 EMERGENCY PLANNING AND RESPONSE ACT."

8 "KILLED" MEANS CESSATION OF ALL BODILY FUNCTIONS CAUSED BY  
9 ANY WOUND, ACCIDENT, DISEASE OR STRAIN ARISING OR INCURRED  
10 DURING THE PERFORMANCE OF ANY OFFICIAL DUTY OR ACTIVITY.

11 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

12 SECTION 2.1. THIS ACT SHALL BE BROADLY CONSTRUED TO GRANT  
13 BENEFITS TO FIREFIGHTERS, AMBULANCE SERVICE OR RESCUE SQUAD  
14 MEMBERS, HAZARDOUS MATERIAL RESPONSE TEAM MEMBERS OR LAW  
15 ENFORCEMENT OFFICERS FOR DEATHS RELATED TO THE PERFORMANCE OF  
16 THEIR DUTIES.

17 Section ~~2~~ 3. The amendment of section 1 of the act shall be <—  
18 retroactive to ~~January 1, 1994~~ JULY 1, 1994. <—

19 Section ~~3~~ 4. This act shall take effect immediately. <—