

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 147 Session of
1993

INTRODUCED BY TANGRETTI, BAKER, PESCI, REBER, MELIO, MIHALICH,
BELARDI, LUCYK, GIGLIOTTI, DALEY, COLAIZZO, LAUGHLIN,
BATTISTO, OLASZ, BUSH, BROWN, HASAY, McCALL, TRELLO,
PISTELLA, STABACK, ROONEY, COY, JAMES, KASUNIC AND
CAPPABIANCA, FEBRUARY 1, 1993

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 20, 1993

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 defining eligibility for benefits.~~ <—
7 INCREASING THE AMOUNT OF DEATH BENEFITS; EXTENDING BENEFITS <—
8 TO SURVIVORS OF HAZARDOUS MATERIAL RESPONSE TEAM MEMBERS;
9 DEFINING "KILLED"; AND PROVIDING FOR CONSTRUCTION OF THE ACT.

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

12 ~~Section 1. Section 2 of the act of June 24, 1976 (P.L.424,~~ <—
13 ~~No.101), referred to as the Emergency and Law Enforcement~~
14 ~~Personnel Death Benefits Act, amended October 16, 1981 (P.L.295,~~
15 ~~No.102), is amended to read:~~

16 ~~Section 2. "Firefighter, ambulance service or rescue squad~~
17 ~~member or law enforcement officer" means a firefighter, member~~
18 ~~of a volunteer fire company, member of an ambulance service or~~
19 ~~rescue squad, peace officer as defined in 18 Pa.C.S. § 501~~

~~(relating to definitions), public servant concerned in official
detention as defined in 18 Pa.C.S. § 5121 (relating to escape),
an officer or employee of a State correctional institution,
guards or employees of county jails and prisons or other law
enforcement officer of the Commonwealth of Pennsylvania or of
any political subdivision thereof.~~

~~"Killed" means cessation of all bodily functions caused by
any wound, accident, disease or strain arising or incurred
during the performance of any official duty or activity.~~

SECTION 1. THE TITLE AND SECTIONS 1 AND 2 OF THE ACT OF JUNE 24, 1976 (P.L.424, NO.101), REFERRED TO AS THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT, AMENDED OCTOBER 16, 1981 (P.L.295, NO.102), ARE AMENDED TO READ:

AN ACT

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

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

(B) A VOLUNTEER FIREFIGHTER SHALL BE DEEMED TO BE ACTING IN THE PERFORMANCE OF HIS DUTIES FOR THE PURPOSES OF THIS ACT GOING TO OR DIRECTLY RETURNING FROM A FIRE WHICH THE FIRE COMPANY OR FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR OTHER PLACE WHERE

1 HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE RECEIVED THE CALL OR
2 ALARM OR WHILE PARTICIPATING IN INSTRUCTION FIRE DRILLS IN WHICH
3 THE FIRE DEPARTMENT OR FIRE COMPANY SHALL HAVE PARTICIPATED OR
4 WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON THE FIRE
5 APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE COMPANY OR FIRE
6 DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF OF THE FIRE
7 COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE OR WHILE
8 ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE RIDING
9 UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE FIRE
10 COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER DUTIES
11 OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY THE
12 MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION 15,
13 ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE FIRE
14 AND PANIC ACT.

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

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

4 (1) GOING TO OR DIRECTLY RETURNING FROM THE SITE OF A
5 RELEASE OR THREAT OF A RELEASE OF A HAZARDOUS MATERIAL,
6 INCLUDING TRAVEL FROM AND DIRECT RETURN TO A HAZARDOUS MATERIAL
7 RESPONSE TEAM MEMBER'S HOME, PLACE OF BUSINESS OR OTHER PLACE
8 WHERE THE MEMBER SHALL HAVE BEEN WHEN THE MEMBER RECEIVED THE
9 CALL;

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

12 (3) WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON
13 HAZARDOUS MATERIAL RESPONSE TEAM VEHICLES OR BUILDINGS AND
14 GROUNDS OF THE HAZARDOUS MATERIAL RESPONSE TEAM UPON THE
15 AUTHORIZATION OF THE LEADER OF THE HAZARDOUS MATERIAL RESPONSE
16 TEAM OR OTHER PERSON IN CHARGE;

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

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

20 (D) UPON RECEIPT OF SUCH CERTIFICATION, THE COMMONWEALTH
21 SHALL, FROM MONEYS PAYABLE OUT OF THE GENERAL FUND, PAY TO THE
22 POLITICAL SUBDIVISION THE SUM OF [\$25,000.] \$60,000, ADJUSTED IN
23 ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WITHIN FIVE DAYS
24 OF RECEIPT OF SAID SUM FROM THE COMMONWEALTH, THE POLITICAL
25 SUBDIVISION SHALL PAY SUCH SUM AS A BENEFIT TO THE SURVIVING
26 SPOUSE, OR IF THERE IS NO SURVIVING SPOUSE, TO THE MINOR
27 CHILDREN OF THE FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD
28 MEMBER, HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR LAW
29 ENFORCEMENT OFFICER KILLED IN THE PERFORMANCE OF DUTY. WHEN NO
30 SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO

1 THE PARENT OR PARENTS OF SUCH FIREFIGHTER, AMBULANCE SERVICE OR
2 RESCUE SQUAD MEMBER, HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR
3 LAW ENFORCEMENT OFFICER.

4 (E) THE COMMONWEALTH OF PENNSYLVANIA SHALL PAY OUT OF THE
5 GENERAL FUND TO THE SURVIVING SPOUSE, OR, IF THERE IS NO
6 SURVIVING SPOUSE, THE MINOR CHILDREN OF A STATE POLICE OFFICER
7 OR OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH KILLED IN
8 THE PERFORMANCE OF HIS DUTIES THE SUM OF [\$25,000.] \$60,000,
9 ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WHEN
10 NO SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID
11 TO THE PARENT OR PARENTS OF SUCH STATE POLICE OFFICER OR OTHER
12 LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH. THE BENEFIT SHALL
13 BE PAYABLE WHETHER OR NOT THE OFFICER WAS KILLED WITHIN THE
14 COMMONWEALTH OF PENNSYLVANIA.

15 (F) ON JULY 1 OF EACH FISCAL YEAR BEGINNING AFTER JANUARY 1,
16 1993, THE COMMONWEALTH SHALL ADJUST THE LEVEL OF THE BENEFIT
17 PAYABLE IMMEDIATELY BEFORE JULY 1 UNDER SUBSECTIONS (D) AND (E)
18 OF THIS SECTION TO REFLECT THE ANNUAL PERCENTAGE CHANGE IN THE
19 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, PUBLISHED BY THE
20 UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF LABOR
21 STATISTICS, OCCURRING IN THE ONE-YEAR PERIOD ENDING ON JANUARY 1
22 IMMEDIATELY PRECEDING JULY 1.

23 SECTION 2. AS USED IN THIS ACT:

24 "FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER,
25 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR LAW ENFORCEMENT
26 OFFICER" MEANS [A]:

27 (1) A FIREFIGHTER[,] OR MEMBER OF A VOLUNTEER FIRE
28 COMPANY[,]_.

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

30 (3) A PEACE OFFICER AS DEFINED IN 18 PA.C.S. § 501 (RELATING

1 TO DEFINITIONS)[,]_.

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

4 (5) AN OFFICER OR EMPLOYEE OF A STATE CORRECTIONAL
5 INSTITUTION[,] OR GUARDS OR EMPLOYEES OF COUNTY JAILS AND
6 PRISONS [OR]_.

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

9 (7) A MEMBER OF A HAZARDOUS MATERIAL RESPONSE TEAM WHICH IS
10 ORGANIZED BY A COMMONWEALTH AGENCY, A LOCAL AGENCY, A REGIONAL
11 HAZARDOUS MATERIAL ORGANIZATION OR A VOLUNTEER SERVICE
12 ORGANIZATION FOR THE PRIMARY PURPOSE OF PROVIDING EMERGENCY
13 SERVICES TO MITIGATE ACTUAL OR POTENTIAL IMMEDIATE THREATS TO
14 PUBLIC HEALTH AND THE ENVIRONMENT IN RESPONSE TO THE RELEASE OR
15 THREAT OF A RELEASE OF A HAZARDOUS MATERIAL AND CERTIFIED,
16 TRAINED AND EQUIPPED IN ACCORDANCE WITH THE ACT OF DECEMBER 7,
17 1990 (P.L.639, NO.165), KNOWN AS THE "HAZARDOUS MATERIAL
18 EMERGENCY PLANNING AND RESPONSE ACT."

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

22 Section 2. The act is amended by adding a section to read:

23 Section 2.1. This act shall be broadly construed to grant
24 benefits to firefighters, ambulance service or rescue squad
25 members, HAZARDOUS MATERIAL RESPONSE TEAM MEMBERS or law
26 enforcement officers for deaths related to the performance of
27 their duties.

28 Section 3. This act shall take effect immediately.

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