

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, CAPPABIANCA,
MAYERNIK AND BEBKO-JONES, FEBRUARY 1, 1993

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 14, 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 amount of death benefits; extending
7 benefits to survivors of hazardous material response team
8 members; defining "killed"; and providing for construction of
9 the act.

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

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

AN ACT

17 Providing for the payment of death benefits to the surviving
18 spouse or children or parents of firefighters, hazardous
19 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 he or she shall have been when he or she received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the fire company or fire department or while performing any other duties of such fire company or fire department as authorized by the municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

(c) A volunteer ambulance service or rescue squad member shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from

1 an emergency which the ambulance service or rescue squad
2 attended including travel from and direct return to an ambulance
3 service or rescue squad member's home, place of business or
4 other place where he or she shall have been when he or she
5 received the call or alarm or while participating in drills in
6 which the ambulance service or rescue squad shall have
7 participated or while repairing or doing other work about or on
8 any emergency vehicle or buildings and grounds of the ambulance
9 service or rescue squad upon the authorization of the chief of
10 the ambulance service or rescue squad or other person in charge
11 while answering any emergency calls for any purpose or while
12 riding upon any vehicles which are owned or used by the
13 ambulance service or rescue squad.

14 (c.1) A hazardous material response team member shall be
15 deemed to be acting in the performance of the member's duties
16 for the purposes of this act under the following circumstances:

17 (1) going to or directly returning from the site of a
18 release or threat of a release of a hazardous material,
19 including travel from and direct return to a hazardous material
20 response team member's home, place of business or other place
21 where the member shall have been when the member received the
22 call;

23 (2) while participating in drills in which the hazardous
24 material response team shall have participated;

25 (3) while repairing or doing other work about or on
26 hazardous material response team vehicles or buildings and
27 grounds of the hazardous material response team upon the
28 authorization of the leader of the hazardous material response
29 team or other person in charge;

30 (4) while answering any calls for any purpose; or

1 (5) while riding upon any vehicles which are owned or used
2 by the hazardous material response team.

3 (d) Upon receipt of such certification, the Commonwealth
4 shall, from moneys payable out of the General Fund, pay to the
5 political subdivision the sum of [\$25,000.] ~~\$60,000~~ \$50,000, <—
6 adjusted in accordance with subsection (f) of this section.

7 Within five days of receipt of said sum from the Commonwealth,
8 the political subdivision shall pay such sum as a benefit to the
9 surviving spouse, or if there is no surviving spouse, to the
10 minor children of the firefighter, ambulance service or rescue
11 squad member, hazardous material response team member or law
12 enforcement officer killed in the performance of duty. When no
13 spouse or minor children survive, the benefit shall be paid to
14 the parent or parents of such firefighter, ambulance service or
15 rescue squad member, hazardous material response team member or
16 law enforcement officer.

17 (e) The Commonwealth of Pennsylvania shall pay out of the
18 General Fund to the surviving spouse, or, if there is no
19 surviving spouse, the minor children of a State police officer
20 or other law enforcement officer of the Commonwealth killed in
21 the performance of his duties the sum of [\$25,000.] ~~\$60,000~~,
22 adjusted in accordance with subsection (f) of this section. When
23 no spouse or minor children survive, the benefit shall be paid
24 to the parent or parents of such State police officer or other
25 law enforcement officer of the Commonwealth. The benefit shall
26 be payable whether or not the officer was killed within the
27 Commonwealth of Pennsylvania.

28 (f) On July 1 of each fiscal year beginning after January 1,
29 ~~1993~~ 1995, the Commonwealth shall adjust the level of the <—
30 benefit payable immediately before July 1 under subsections (d)

1 and (e) of this section to reflect the annual percentage change
2 in the Consumer Price Index for All Urban Consumers, published
3 by the United States Department of Commerce, Bureau of Labor
4 Statistics, occurring in the one-year period ending on January 1
5 immediately preceding July 1.

6 Section 2. As used in this act:

7 "Firefighter, ambulance service or rescue squad member,
8 hazardous material response team member or law enforcement
9 officer" means [a]:

10 (1) A firefighter[,] or member of a volunteer fire
11 company[,].

12 (2) A member of an ambulance service or rescue squad[,].

13 (3) A peace officer as defined in 18 Pa.C.S. § 501 (relating
14 to definitions)[,].

15 (4) A public servant concerned in official detention as
16 defined in 18 Pa.C.S. § 5121 (relating to escape)[, an].

17 (5) An officer or employee of a State correctional
18 institution[,] or guards or employees of county jails and
19 prisons [or].

20 (6) Any other law enforcement officer of the Commonwealth of
21 Pennsylvania or of any political subdivision thereof.

22 (7) A member of a hazardous material response team which is
23 organized by a Commonwealth agency, a local agency, a regional
24 hazardous material organization or a volunteer service
25 organization for the primary purpose of providing emergency
26 services to mitigate actual or potential immediate threats to
27 public health and the environment in response to the release or
28 threat of a release of a hazardous material and certified,
29 trained and equipped in accordance with the act of December 7,
30 1990 (P.L.639, No.165), known as the "Hazardous Material

1 Emergency Planning and Response Act."

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

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

6 Section 2.1. This act shall be broadly construed to grant
7 benefits to firefighters, ambulance service or rescue squad
8 members, hazardous material response team members or law
9 enforcement officers for deaths related to the performance of
10 their duties.

11 Section 3. This act shall take effect immediately.