

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2506 Session of
1996

INTRODUCED BY MCGILL, LYNCH, FICHTER, GEORGE, BELARDI, PETRARCA,
TIGUE, GEIST, BAKER, STISH, HALUSKA, FEESE, YOUNGBLOOD,
STABACK, NAILOR, BELFANTI, PLATTS, TRELLO, DIGIROLAMO, MERRY
AND PISTELLA, MARCH 25, 1996

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 1996

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,
2 as amended, "An act providing for the payment of the salary,
3 medical and hospital expenses of members of the State Police
4 Force, of the enforcement officers and investigators employed
5 by the Pennsylvania Liquor Control Board, and the parole
6 agents, enforcement officers and investigators of the
7 Pennsylvania Board of Probation and Parole, Capitol Police
8 officers, correction officers employed by the Department of
9 Corrections whose principal duty is the care, custody and
10 control of inmates, psychiatric security aides employed by
11 the Department of Public Welfare and the Department of
12 Corrections whose principal duty is the care, custody, and
13 control of the criminally insane, and drug enforcement agents
14 of the Office of Attorney General whose principal duty is the
15 enforcement of the drug laws of the Commonwealth, members of
16 the Delaware River Port Authority Police and of policemen,
17 firemen and park guards by the Commonwealth of Pennsylvania,
18 the Delaware River Port Authority, counties, cities,
19 boroughs, towns and townships, who are injured or contract
20 certain diseases in the performance of their duty; and
21 providing that absence during such injury shall not reduce
22 any usual sick leave period," adding county sheriffs and
23 deputies.

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

26 Section 1. Section 1 of the act of June 28, 1935 (P.L.477,
27 No.193), referred to as the Enforcement Officer Disability

1 Benefits Law, amended December 19, 1986 (P.L.1733, No.208), is
2 amended to read:

3 Section 1. (a) Be it enacted, &c., That any member of the
4 State Police Force, any enforcement officer or investigator
5 employed by the Pennsylvania Liquor Control Board, and the
6 parole agents, enforcement officers and investigators of the
7 Pennsylvania Board of Probation and Parole, Capitol Police
8 officers, correction officers employed by the Department of
9 Corrections, whose principal duty is the care, custody and
10 control of inmates, psychiatric security aides employed by the
11 Department of Public Welfare and the Department of Corrections,
12 whose principal duty is the care, custody, and control of the
13 criminally insane, and drug enforcement agents of the Office of
14 Attorney General whose principal duty is the enforcement of the
15 drug laws of the Commonwealth, any member of the Delaware River
16 Port Authority Police or any policeman, county sheriff or deputy
17 sheriff, fireman or park guard of any county, city, borough,
18 town or township, who is injured in the performance of his
19 duties including, in the case of firemen, duty as special fire
20 police, and by reason thereof is temporarily incapacitated from
21 performing his duties, shall be paid by the Commonwealth of
22 Pennsylvania if a member of the State Police Force or an
23 enforcement officer or investigator employed by the Pennsylvania
24 Liquor Control Board or the parole agents, enforcement officers
25 and investigators of the Pennsylvania Board of Probation and
26 Parole, Capitol Police officers, correction officers employed by
27 the Department of Corrections, whose principal duty is the care,
28 custody and control of inmates, psychiatric security aides
29 employed by the Department of Public Welfare and the Department
30 of Corrections, whose principal duty is the care, custody, and

1 control of the criminally insane, and drug enforcement agents of
2 the Office of Attorney General whose principal duty is the
3 enforcement of the drug laws of the Commonwealth, or by the
4 Delaware River Port Authority if a member of the Delaware River
5 Port Authority Police or by the county, township or
6 municipality, by which he is employed, his full rate of salary,
7 as fixed by ordinance or resolution, until the disability
8 arising therefrom has ceased. All medical and hospital bills,
9 incurred in connection with any such injury, shall be paid by
10 the Commonwealth of Pennsylvania or by the Delaware River Port
11 Authority or by such county, township or municipality. During
12 the time salary for temporary incapacity shall be paid by the
13 Commonwealth of Pennsylvania or by the Delaware River Port
14 Authority or by the county, city, borough, town or township, any
15 workmen's compensation, received or collected by any such
16 employe for such period, shall be turned over to the
17 Commonwealth of Pennsylvania or to the Delaware River Port
18 Authority or to such county, city, borough, town or township,
19 and paid into the treasury thereof, and if such payment shall
20 not be so made by the employe the amount so due the Commonwealth
21 of Pennsylvania, the Delaware River Port Authority or the
22 county, city, borough, town or township shall be deducted from
23 any salary then or thereafter becoming due and owing.

24 (b) In the case of the State Police Force, enforcement
25 officers and investigators employed by the Pennsylvania Liquor
26 Control Board and the parole agents, enforcement officers and
27 investigators of the Pennsylvania Board of Probation and Parole,
28 Capitol Police officers, correction officers employed by the
29 Department of Corrections, whose principal duty is the care,
30 custody and control of inmates, psychiatric security aides

1 employed by the Department of Public Welfare and the Department
2 of Corrections whose principal duty is the care, custody, and
3 control of the criminally insane, and drug enforcement agents of
4 the Office of Attorney General whose principal duty is the
5 enforcement of the drug laws of the Commonwealth, members of the
6 Delaware River Port Authority Police and salaried policemen,
7 county sheriffs and deputy sheriffs and firemen who have served
8 for four consecutive years or longer, diseases of the heart and
9 tuberculosis of the respiratory system, contracted or incurred
10 by any of them after four years of continuous service as such,
11 and caused by extreme overexertion in times of stress or danger
12 or by exposure to heat, smoke, fumes or gases, arising directly
13 out of the employment of any such member of the State Police
14 Force, enforcement officer, investigator employed by the
15 Pennsylvania Liquor Control Board, guard or enforcement officer
16 employed by the Department of Corrections or parole agent,
17 enforcement officer or investigator of the Pennsylvania Board of
18 Probation and Parole, Capitol Police officers, correction
19 officers employed by the Department of Corrections whose
20 principal duty is the care, custody and control of inmates,
21 psychiatric security aides employed by the Department of Public
22 Welfare and the Department of Corrections whose principal duty
23 is the care, custody, and control of the criminally insane, and
24 drug enforcement agents of the Office of Attorney General whose
25 principal duty is the enforcement of the drug laws of the
26 Commonwealth, member of the Delaware River Port Authority
27 Police, or policeman, county sheriff and deputy sheriff or
28 fireman, shall be compensable in accordance with the terms
29 hereof; and unless any such disability shall be compensable
30 under the compensation laws as having been caused by accidental

1 injury, such disability shall be compensable as occupational
2 disease disabilities are presently compensable under the
3 compensation laws of this Commonwealth. It shall be presumed
4 that tuberculosis of the respiratory system contracted or
5 incurred after four consecutive years of service was contracted
6 or incurred as a direct result of employment.

7 (c) In the case of any person receiving benefits pursuant to
8 this act, the statutes of limitations set forth in sections
9 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
10 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
11 shall not begin to run until the expiration of the receipt of
12 benefits pursuant to this act.

13 (d) All payments herein required to be made by the
14 Commonwealth of Pennsylvania on account of any member of the
15 State Police Force shall be made from moneys appropriated to the
16 Pennsylvania State Police, and any payments required to be made
17 on account of any enforcement officer or investigator employed
18 by the Pennsylvania Liquor Control Board shall be from
19 appropriations out of the State Stores Fund, any payments
20 required to be made on account of any parole agent, enforcement
21 officer or investigator employed by the Pennsylvania Board of
22 Probation and Parole shall be from moneys appropriated to the
23 Pennsylvania Board of Probation and Parole, any payments
24 required to be made on account of Capitol Police officers shall
25 be made from moneys appropriated to the Department of General
26 Services, any payments required to be made on account of any
27 correction officer shall be made from moneys appropriated to the
28 Department of Corrections, any payments required to be made on
29 account of any psychiatric security aides shall be made from
30 moneys appropriated to the Department of Public Welfare or the

1 Department of Corrections where appropriate, and any payments
2 required to be made on account of any drug enforcement agent
3 shall be made from moneys appropriated to the Office of Attorney
4 General.

5 Section 2. This act shall take effect immediately.