

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 1045** Session of
2015

INTRODUCED BY VULAKOVICH, COSTA, BAKER, BREWSTER, FONTANA,
RAFFERTY, SABATINA, YUDICHAK, TARTAGLIONE AND MENSCH,
OCTOBER 23, 2015

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
AS AMENDED, OCTOBER 27, 2015

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 character of discharge.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 51 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 104. Character of discharge.

9 (a) General rule.--Whenever a particular character of
10 discharge is a prerequisite to eligibility for receiving a
11 benefit provided for in this title, an individual must have
12 received a discharge from service under conditions other than
13 dishonorable. Recipients of a discharge under conditions other
14 than dishonorable include the following:

15 (1) A recipient of an honorable discharge.

16 (2) A recipient of a general, under honorable
17 conditions, discharge.

1 (3) A recipient of a discharge under other than
2 honorable conditions for which the recipient has been
3 determined to be eligible for benefits afforded by the United
4 States Department of Veterans Affairs.

5 (4) A RECIPIENT OF A DISCHARGE FOR WHICH BENEFITS ARE <--
6 PAYABLE UNDER 38 CFR 3.12 (RELATING TO CHARACTER OF
7 DISCHARGE).

8 (b) Exclusions.--A recipient of a discharge under conditions <--
9 other than dishonorable does not include a recipient of a <--
10 dishonorable, bad conduct or undesirable discharge, or an
11 uncharacterized discharge such as an entry level separation.: <--

12 (1) A DISHONORABLE, BAD CONDUCT OR UNDESIRABLE
13 DISCHARGE.

14 (2) A DISCHARGE OR RELEASE BECAUSE OF ONE OF THE
15 OFFENSES SPECIFIED IN 38 CFR 3.12(D).

16 (C) UNCHARACTERIZED SEPARATIONS.--A RECIPIENT OF AN
17 UNCHARACTERIZED DISCHARGE OR SEPARATION SHALL BE EVALUATED BASED
18 UPON 38 CFR 3.12(K).

19 Section 2. This act shall take effect in 60 days.