

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 395

Session of  
1981

INTRODUCED BY FREIND, HASAY, PUNT, McCALL, GRAY, COHEN,  
LAUGHLIN, ZWIKL, CLARK, JACKSON, GANNON, PETERSON, MRKONIC,  
NOYE, MICOZZIE, ARTY, REBER, LETTERMAN, SPITZ, DAVIES,  
HOEFFEL, FISCHER, J. L. WRIGHT, CIMINI, COLE, COCHRAN, MERRY,  
MADIGAN, HALUSKA, HORGOS, ALDEN, WACHOB, LASHINGER, PRATT,  
GLADECK, KANUCK, L. E. SMITH, WENGER, KUKOVICH, E. Z. TAYLOR,  
CALTAGIRONE, SNYDER, CLYMER, SWEET, COWELL, JOHNSON, COSLETT,  
TRELLO, SEVENTY, LUCYK, GRIECO, McINTYRE, McVERRY, SMITH,  
CIVERA, DIETZ, BELARDI AND SERAFINI, FEBRUARY 3, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 11, 1981

## AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled  
2 "An act providing for the payment of death benefits to the  
3 surviving spouse or children of firemen or law enforcement  
4 officers killed in the performance of their duties,"  
5 extending the act to include volunteer firefighters,  
6 ambulance service or rescue squad members, changing the  
7 method of payment, ~~and~~ making editorial changes AND  
8 CLARIFYING THE EFFECTIVE DATE OF THE ACT. <—

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

11 Section 1. The title and ~~sections 1 and 2~~, the act of June <—  
12 24, 1976 (P.L.424, No.101), entitled "An act providing for the  
13 payment of death benefits to the surviving spouse or children of  
14 firemen or law enforcement officers killed in the performance of  
15 their duties," are amended to read:

16 AN ACT

17 Providing for the payment of death benefits to the surviving

1 spouse or children or ~~certain dependent~~ parents of [firemen] <—  
2 firefighters, ambulance service or rescue squad members or  
3 law enforcement officers killed in the performance of their  
4 duties.

5 Section 1. [A political subdivision shall pay to the  
6 surviving spouse, or, if there is no surviving spouse, the minor  
7 children, of a fireman or law enforcement officer of the  
8 political subdivision killed in the performance of his duties  
9 the sum of \$25,000. The benefit shall be payable whether or not  
10 the officer was killed within the corporate boundaries of the  
11 employing municipality.]

12 In the event a law enforcement officer, ambulance service or  
13 rescue squad members or firefighter is killed in the performance  
14 of his duties, such political subdivision within 30 days from  
15 the date of death shall submit certification of such death to  
16 the Commonwealth. A volunteer firefighter shall be deemed to be  
17 acting in the performance of his duties for the purposes of this  
18 act going to or directly returning from a fire which the fire  
19 company or fire department attended including travel from and  
20 direct return to a firefighter'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 instruction  
23 fire drills in which the fire department or fire company shall  
24 have participated or while repairing or doing other work about  
25 or on the fire apparatus or buildings and grounds of the fire  
26 company or fire department upon the authorization of the chief  
27 of the fire company or fire department or other person in charge  
28 or while answering any emergency calls for any purpose or while  
29 riding upon the fire apparatus which is owned or used by the  
30 fire company or fire department or while performing any other

1 duties of such fire company or fire department as authorized by  
2 the municipality or while performing duties imposed by section  
3 15, act of April 27, 1927 (P.L.465, No.299), referred to as the  
4 Fire and Panic Act. A volunteer ambulance service or rescue  
5 squad member shall be deemed to be acting in the performance of  
6 his duties for the purposes of this act going to or directly  
7 returning from an emergency which the ambulance service or  
8 rescue squad attended including travel from and direct return to  
9 an ambulance service or rescue squad member's home, place of  
10 business or other place where he or she shall have been when he  
11 or she received the call or alarm or while participating in  
12 drills in 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. Upon receipt of such  
20 certification, the Commonwealth shall, from moneys payable out  
21 of the General Fund, pay to the political subdivision the sum of  
22 \$25,000. Within five days of receipt of said sum from the  
23 Commonwealth, the political subdivision shall pay such sum as a  
24 benefit to the surviving spouse, or if there is no surviving  
25 spouse, to the minor children of the firefighter, ambulance  
26 service or rescue squad members or law enforcement officer  
27 killed in the performance of duty. When no spouse or minor  
28 children survive, the benefit shall be paid to the parent or  
29 parents of such firefighter, ambulance service or rescue squad  
30 member or law enforcement officer if the parent or parents had a

<—

~~one third dependency on the income of such firefighter,  
ambulance service or rescue squad member or law enforcement  
officer 12 months prior to the date of death; the payment shall  
be made in equal shares to both if both are so dependent. If  
only one parent was dependent, the total benefit shall be paid  
to that parent.~~

The Commonwealth of Pennsylvania shall pay out of the General  
Fund to the surviving spouse, or, if there is no surviving  
spouse, the minor children of a State [policeman] police officer  
or other law enforcement officer of the Commonwealth killed in  
the performance of his duties the sum of \$25,000. When no spouse  
or minor children survive, the benefit shall be paid to the  
parent or parents of such State police officer or other law  
enforcement officer of the Commonwealth if the parent or parents <—  
had a one third dependency on the income of such State police  
officer or other law enforcement officer of the Commonwealth 12  
months prior to the date of death; the payment shall be made in  
equal shares to both if both are so dependent. If only one  
parent was dependent, the total benefit shall be paid to that  
parent. The benefit shall be payable whether or not the officer  
was killed within the Commonwealth of Pennsylvania.

[Upon payment of this death benefit by a political  
subdivision, the political subdivision shall apply to the State  
Treasurer and be reimbursed for the total amount by the  
Commonwealth of Pennsylvania. Payments by the Commonwealth or  
reimbursement to the political subdivisions shall be made out of  
the General Fund of the Commonwealth of Pennsylvania.]

Section 2. ["Fireman"] "Firefighter, ambulance service or  
rescue squad member or law enforcement officer" means a  
[fireman,] firefighter, member of a volunteer fire company,

1 member of an ambulance service or rescue squad, peace officer as  
2 defined in 18 Pa.C.S. § 501 (relating to definitions), public  
3 servant concerned in official detention as defined in 18 Pa.C.S.  
4 § 5121 (relating to escape), an officer or employee of a State  
5 correctional institution, guards or employees of county jails  
6 and prisons or other law enforcement officer of the Commonwealth  
7 of Pennsylvania or of any political subdivision thereof.

8 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY AND ITS <—  
9 PROVISIONS SHALL BE RETROACTIVE TO JANUARY 1, 1976 AND SHALL BE  
10 APPLICABLE TO THE DEATHS OF ALL FIREFIGHTERS, AMBULANCE SERVICE  
11 OR RESCUE SQUAD MEMBERS AND LAW ENFORCEMENT PERSONNEL DYING ON  
12 AND AFTER SAID DATE AS THE DIRECT RESULT OF INJURIES SUSTAINED  
13 IN THE PERFORMANCE OF THEIR DUTIES, REGARDLESS OF THE DATE WHEN  
14 SUCH INJURIES OCCURRED.

15 Section 2. This act shall take effect immediately and the  
16 provisions relating to the clarification in the definition of  
17 "firefighter, ambulance service or rescue squad member or law  
18 enforcement officer" shall be retroactive to January 1, 1976 and  
19 shall be applicable to all claims for benefits under this act  
20 arising on and after said date.