

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 582 Session of
2001

INTRODUCED BY TILGHMAN, MOWERY, COSTA, TARTAGLIONE, WAGNER,
TOMLINSON, LEMMOND, BOSCOLA, WENGER, EARLL, LAVALLE, KITCHEN,
KUKOVICH, CORMAN, O'PAKE, LOGAN, SCHWARTZ, WOZNIAK, MUSTO,
GREENLEAF AND STACK, MARCH 6, 2001

REFERRED TO LABOR AND INDUSTRY, MARCH 6, 2001

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," providing for death benefits for fire marshals
7 killed in the performance of their duties.

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

10 Section 1. Section 1 of the act of June 24, 1976 (P.L.424,
11 No.101), referred to as the Emergency and Law Enforcement
12 Personnel Death Benefits Act, amended December 27, 1994
13 (P.L.1373, No.161), is amended to read:

14 Section 1. (a) In the event a law enforcement officer,
15 ambulance service or rescue squad member [or firefighter],
16 firefighter or fire marshal is killed in the performance of his
17 duties, such political subdivision within 30 days from the date
18 of death shall submit certification of such death to the
19 Commonwealth.

1 (b) A volunteer firefighter shall be deemed to be acting in
2 the performance of his duties for the purposes of this act going
3 to or directly returning from a fire which the fire company or
4 fire department attended including travel from and direct return
5 to a firefighter's home, place of business or other place where
6 he or she shall have been when he or she received the call or
7 alarm or while participating in instruction fire drills in which
8 the fire department or fire company shall have participated or
9 while repairing or doing other work about or on the fire
10 apparatus or buildings and grounds of the fire company or fire
11 department upon the authorization of the chief of the fire
12 company or fire department or other person in charge or while
13 answering any emergency calls for any purpose or while riding
14 upon the fire apparatus which is owned or used by the fire
15 company or fire department or while performing any other duties
16 of such fire company or fire department as authorized by the
17 municipality or while performing duties imposed by section 15,
18 act of April 27, 1927 (P.L.465, No.299), referred to as the Fire
19 and Panic Act.

20 (b.1) A fire marshal shall be deemed to be acting in the
21 performance of his duties for the purposes of this act while:

22 (1) conducting an investigation as to the cause of a
23 fire at a fire or fire scene;

24 (2) going to or directly returning from a fire or fire
25 scene for which he is conducting or may reasonably expect to
26 conduct an investigation as to the cause of the fire;

27 (3) aiding or assisting firefighting personnel in the
28 performance of their duties at a fire or fire scene;

29 (4) conducting fire safety or fire code compliance
30 inspections or other related enforcement activities;

1 (5) attending training;

2 (6) performing any other related duties as authorized by
3 the appointing municipality or political subdivision; or

4 (7) traveling from and returning directly to a fire
5 marshal's home or place of business in the performance of any
6 of the aforementioned duties.

7 (c) A volunteer ambulance service or rescue squad member
8 shall be deemed to be acting in the performance of his duties
9 for the purposes of this act going to or directly returning from
10 an emergency which the ambulance service or rescue squad
11 attended including travel from and direct return to an ambulance
12 service or rescue squad member's home, place of business or
13 other place where he or she shall have been when he or she
14 received the call or alarm or while participating in drills in
15 which the ambulance service or rescue squad shall have
16 participated or while repairing or doing other work about or on
17 any emergency vehicle or buildings and grounds of the ambulance
18 service or rescue squad upon the authorization of the chief of
19 the ambulance service or rescue squad or other person in charge
20 while answering any emergency calls for any purpose or while
21 riding upon any vehicles which are owned or used by the
22 ambulance service or rescue squad.

23 (d) Upon receipt of such certification, the Commonwealth
24 shall, from moneys payable out of the General Fund, pay to the
25 political subdivision the sum of \$50,000, adjusted in accordance
26 with subsection (f) of this section. Within five days of receipt
27 of said sum from the Commonwealth, the political subdivision
28 shall pay such sum as a benefit to the surviving spouse, or if
29 there is no surviving spouse, to the minor children of the
30 firefighter, fire marshal, ambulance service or rescue squad

1 member or law enforcement officer killed in the performance of
2 duty. When no spouse or minor children survive, the benefit
3 shall be paid to the parent or parents of such firefighter, fire
4 marshal, ambulance service or rescue squad member or law
5 enforcement officer.

6 (e) The Commonwealth of Pennsylvania shall pay out of the
7 General Fund to the surviving spouse, or, if there is no
8 surviving spouse, the minor children of a State police officer
9 or other law enforcement officer of the Commonwealth killed in
10 the performance of his duties the sum of \$50,000, adjusted in
11 accordance with subsection (f) of this section. When no spouse
12 or minor children survive, the benefit shall be paid to the
13 parent or parents of such State police officer or other law
14 enforcement officer of the Commonwealth. The benefit shall be
15 payable whether or not the officer was killed within the
16 Commonwealth of Pennsylvania.

17 (f) On July 1 of each fiscal year beginning after January 1,
18 1995, the Commonwealth shall adjust the level of the benefit
19 payable immediately before July 1 under subsections (d) and (e)
20 of this section to reflect the annual percentage change in the
21 Consumer Price Index for All Urban Consumers, published by the
22 United States Department of Commerce, Bureau of Labor
23 Statistics, occurring in the one-year period ending on January 1
24 immediately preceding July 1.

25 Section 2. Section 2 of the act, amended October 16, 1981
26 (P.L.295, No.102), is amended to read:

27 Section 2. (a) "Firefighter, ambulance service or rescue
28 squad member or law enforcement officer" means a firefighter,
29 member of a volunteer fire company, member of an ambulance
30 service or 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.

(b) "Fire marshal" means a person appointed by a municipality or political subdivision on a full-time, part-time or voluntary or uncompensated basis to perform the duties of a fire marshal and to investigate and determine the causes of fires occurring within the jurisdiction of the municipality or political subdivision, to conduct fire safety or fire code compliance inspections or to conduct other related enforcement activities.

Section 3. Section 2.1 of the act, added December 27, 1994 (P.L.1373, No.161), is amended to read:

Section 2.1. This act shall be broadly construed to grant benefits to firefighters, fire marshals, ambulance service or rescue squad members or law enforcement officers for deaths related to the performance of their duties.

Section 4. The act is amended by adding a section to read:

Section 2.2. This act shall apply to fire marshals killed in the performance of their duties on or after the effective date of this section.

Section 5. This act shall take effect in 90 days.