

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1834 Session of
1994

INTRODUCED BY MOWERY, WENGER AND SHUMAKER, SEPTEMBER 16, 1994

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 21, 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 benefit amount.~~
7 AMENDING THE ACT OF JUNE 24, 1976 (P.L.424, NO.101), ENTITLED, <—
8 AS AMENDED, "AN ACT PROVIDING FOR THE PAYMENT OF DEATH
9 BENEFITS TO THE SURVIVING SPOUSE OR CHILDREN OR PARENTS OF
10 FIREFIGHTERS, AMBULANCE SERVICE OR RESCUE SQUAD MEMBERS OR
11 LAW ENFORCEMENT OFFICERS KILLED IN THE PERFORMANCE OF THEIR
12 DUTIES," INCREASING THE AMOUNT OF DEATH BENEFITS; EXTENDING <—
13 ~~BENEFITS TO SURVIVORS OF HAZARDOUS MATERIAL RESPONSE TEAM~~
14 ~~MEMBERS;~~ DEFINING "KILLED"; AND PROVIDING FOR CONSTRUCTION OF
15 THE ACT.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. Section 1 of the act of June 24, 1976 (P.L.424,~~ <—
19 ~~No.101), referred to as the Emergency and Law Enforcement~~
20 ~~Personnel Death Benefits Act, amended October 16, 1981 (P.L.295,~~
21 ~~No.102), is amended to read:~~

22 Section 1. ~~(a)~~ In the event a law enforcement officer,
23 ~~ambulance service or rescue squad member or firefighter is~~

1 ~~killed in the performance of his duties, such political~~
2 ~~subdivision within 30 days from the date of death shall submit~~
3 ~~certification of such death to the Commonwealth. A volunteer~~
4 ~~firefighter shall be deemed to be acting in the performance of~~
5 ~~his duties for the purposes of this act going to or directly~~
6 ~~returning from a fire which the fire company or fire department~~
7 ~~attended including travel from and direct return to a~~
8 ~~firefighter's home, place of business or other place where he or~~
9 ~~she shall have been when he or she received the call or alarm or~~
10 ~~while participating in instruction fire drills in which the fire~~
11 ~~department or fire company shall have participated or while~~
12 ~~repairing or doing other work about or on the fire apparatus or~~
13 ~~buildings and grounds of the fire company or fire department~~
14 ~~upon the authorization of the chief of the fire company or fire~~
15 ~~department or other person in charge or while answering any~~
16 ~~emergency calls for any purpose or while riding upon the fire~~
17 ~~apparatus which is owned or used by the fire company or fire~~
18 ~~department or while performing any other duties of such fire~~
19 ~~company or fire department as authorized by the municipality or~~
20 ~~while performing duties imposed by section 15, act of April 27,~~
21 ~~1927 (P.L.465, No.299), referred to as the Fire and Panic Act. A~~
22 ~~volunteer ambulance service or rescue squad member shall be~~
23 ~~deemed to be acting in the performance of his duties for the~~
24 ~~purposes of this act going to or directly returning from an~~
25 ~~emergency which the ambulance service or rescue squad attended~~
26 ~~including travel from and direct return to an ambulance service~~
27 ~~or rescue squad member's home, place of business or other place~~
28 ~~where he or she shall have been when he or she received the call~~
29 ~~or alarm or while participating in drills in which the ambulance~~
30 ~~service or rescue squad shall have participated or while~~

1 ~~repairing or doing other work about or on any emergency vehicle~~
2 ~~or buildings and grounds of the ambulance service or rescue~~
3 ~~squad upon the authorization of the chief of the ambulance~~
4 ~~service or rescue squad or other person in charge while~~
5 ~~answering any emergency calls for any purpose or while riding~~
6 ~~upon any vehicles which are owned or used by the ambulance~~
7 ~~service or rescue squad. Upon receipt of such certification, the~~
8 ~~Commonwealth shall, from moneys payable out of the General Fund,~~
9 ~~pay to the political subdivision the sum of [\$25,000] \$100,000.~~
10 ~~Within five days of receipt of said sum from the Commonwealth,~~
11 ~~the political subdivision shall pay such sum as a benefit to the~~
12 ~~surviving spouse, or if there is no surviving spouse, to the~~
13 ~~minor children of the firefighter, ambulance service or rescue~~
14 ~~squad member or law enforcement officer killed in the~~
15 ~~performance of duty. When no spouse or minor children survive,~~
16 ~~the benefit shall be paid to the parent or parents of such~~
17 ~~firefighter, ambulance service or rescue squad member or law~~
18 ~~enforcement officer.~~

19 ~~(b) The Commonwealth of Pennsylvania shall pay out of the~~
20 ~~General Fund to the surviving spouse, or, if there is no~~
21 ~~surviving spouse, the minor children of a State police officer~~
22 ~~or other law enforcement officer of the Commonwealth killed in~~
23 ~~the performance of his duties the sum of [\$25,000] \$100,000.~~
24 ~~When no spouse or minor children survive, the benefit shall be~~
25 ~~paid to the parent or parents of such State police officer or~~
26 ~~other law enforcement officer of the Commonwealth. The benefit~~
27 ~~shall be payable whether or not the officer was killed within~~
28 ~~the Commonwealth of Pennsylvania.~~

29 ~~SECTION 1. THE TITLE AND SECTIONS 1 AND 2~~ SECTION 1 OF THE
30 ~~ACT OF JUNE 24, 1976 (P.L.424, NO.101), REFERRED TO AS THE~~

<—

1 EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT,
2 AMENDED OCTOBER 16, 1981 (P.L.295, NO.102), ~~ARE~~ IS AMENDED TO
3 READ:

4 ~~AN ACT~~
5 ~~PROVIDING FOR THE PAYMENT OF DEATH BENEFITS TO THE SURVIVING~~
6 ~~SPOUSE OR CHILDREN OR PARENTS OF FIREFIGHTERS, HAZARDOUS~~
7 ~~MATERIAL RESPONSE TEAM MEMBERS, AMBULANCE SERVICE OR RESCUE~~
8 ~~SQUAD MEMBERS OR LAW ENFORCEMENT OFFICERS KILLED IN THE~~
9 ~~PERFORMANCE OF THEIR DUTIES.~~

10 SECTION 1. (A) IN THE EVENT A LAW ENFORCEMENT OFFICER,
11 AMBULANCE SERVICE OR RESCUE SQUAD MEMBER ~~+~~OR FIREFIGHTER OR
12 ~~HAZARDOUS MATERIAL RESPONSE TEAM MEMBER~~ IS KILLED IN THE
13 PERFORMANCE OF HIS DUTIES, SUCH POLITICAL SUBDIVISION WITHIN 30
14 DAYS FROM THE DATE OF DEATH SHALL SUBMIT CERTIFICATION OF SUCH
15 DEATH TO THE COMMONWEALTH.

16 (B) A VOLUNTEER FIREFIGHTER SHALL BE DEEMED TO BE ACTING IN
17 THE PERFORMANCE OF HIS DUTIES FOR THE PURPOSES OF THIS ACT GOING
18 TO OR DIRECTLY RETURNING FROM A FIRE WHICH THE FIRE COMPANY OR
19 FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN
20 TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR OTHER PLACE WHERE
21 HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE RECEIVED THE CALL OR
22 ALARM OR WHILE PARTICIPATING IN INSTRUCTION FIRE DRILLS IN WHICH
23 THE FIRE DEPARTMENT OR FIRE COMPANY SHALL HAVE PARTICIPATED OR
24 WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON THE FIRE
25 APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE COMPANY OR FIRE
26 DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF OF THE FIRE
27 COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE OR WHILE
28 ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE RIDING
29 UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE FIRE
30 COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER DUTIES

1 OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY THE
2 MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION 15,
3 ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE FIRE
4 AND PANIC ACT.

5 (C) A VOLUNTEER AMBULANCE SERVICE OR RESCUE SQUAD MEMBER
6 SHALL BE DEEMED TO BE ACTING IN THE PERFORMANCE OF HIS DUTIES
7 FOR THE PURPOSES OF THIS ACT GOING TO OR DIRECTLY RETURNING FROM
8 AN EMERGENCY WHICH THE AMBULANCE SERVICE OR RESCUE SQUAD
9 ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO AN AMBULANCE
10 SERVICE OR RESCUE SQUAD MEMBER'S HOME, PLACE OF BUSINESS OR
11 OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE OR SHE
12 RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN DRILLS IN
13 WHICH THE AMBULANCE SERVICE OR RESCUE SQUAD SHALL HAVE
14 PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON
15 ANY EMERGENCY VEHICLE OR BUILDINGS AND GROUNDS OF THE AMBULANCE
16 SERVICE OR RESCUE SQUAD UPON THE AUTHORIZATION OF THE CHIEF OF
17 THE AMBULANCE SERVICE OR RESCUE SQUAD OR OTHER PERSON IN CHARGE
18 WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE
19 RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED BY THE
20 AMBULANCE SERVICE OR RESCUE SQUAD.

21 ~~(C.1) A HAZARDOUS MATERIAL RESPONSE TEAM MEMBER SHALL BE~~ <—
22 ~~DEEMED TO BE ACTING IN THE PERFORMANCE OF THE MEMBER'S DUTIES~~
23 ~~FOR THE PURPOSES OF THIS ACT UNDER THE FOLLOWING CIRCUMSTANCES:~~

24 ~~(1) GOING TO OR DIRECTLY RETURNING FROM THE SITE OF A~~
25 ~~RELEASE OR THREAT OF A RELEASE OF A HAZARDOUS MATERIAL,~~
26 ~~INCLUDING TRAVEL FROM AND DIRECT RETURN TO A HAZARDOUS MATERIAL~~
27 ~~RESPONSE TEAM MEMBER'S HOME, PLACE OF BUSINESS OR OTHER PLACE~~
28 ~~WHERE THE MEMBER SHALL HAVE BEEN WHEN THE MEMBER RECEIVED THE~~
29 ~~CALL;~~

30 ~~(2) WHILE PARTICIPATING IN DRILLS IN WHICH THE HAZARDOUS~~

~~MATERIAL RESPONSE TEAM SHALL HAVE PARTICIPATED;~~

~~(3) WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON
HAZARDOUS MATERIAL RESPONSE TEAM VEHICLES OR BUILDINGS AND
GROUNDS OF THE HAZARDOUS MATERIAL RESPONSE TEAM UPON THE
AUTHORIZATION OF THE LEADER OF THE HAZARDOUS MATERIAL RESPONSE
TEAM OR OTHER PERSON IN CHARGE;~~

~~(4) WHILE ANSWERING ANY CALLS FOR ANY PURPOSE; OR~~

~~(5) WHILE RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED
BY THE HAZARDOUS MATERIAL RESPONSE TEAM.~~

~~(D)~~ (C) UPON RECEIPT OF SUCH CERTIFICATION, THE COMMONWEALTH
SHALL, FROM MONEYS PAYABLE OUT OF THE GENERAL FUND, PAY TO THE
POLITICAL SUBDIVISION THE SUM OF [\$25,000.] \$50,000, ADJUSTED IN
ACCORDANCE WITH SUBSECTION (F) (E) OF THIS SECTION. WITHIN FIVE

DAYS OF RECEIPT OF SAID SUM FROM THE COMMONWEALTH, THE POLITICAL
SUBDIVISION SHALL PAY SUCH SUM AS A BENEFIT TO THE SURVIVING
SPOUSE, OR IF THERE IS NO SURVIVING SPOUSE, TO THE MINOR
CHILDREN OF THE FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD
MEMBER, ~~HAZARDOUS MATERIAL RESPONSE TEAM MEMBER~~ OR LAW

ENFORCEMENT OFFICER KILLED IN THE PERFORMANCE OF DUTY. WHEN NO
SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO
THE PARENT OR PARENTS OF SUCH FIREFIGHTER, AMBULANCE SERVICE OR
RESCUE SQUAD MEMBER, ~~HAZARDOUS MATERIAL RESPONSE TEAM MEMBER~~ OR
LAW ENFORCEMENT OFFICER.

~~(E)~~ (D) 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 POLICE OFFICER
OR OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH KILLED IN
THE PERFORMANCE OF HIS DUTIES THE SUM OF [\$25,000.] \$50,000,
ADJUSTED IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION. WHEN
NO SPOUSE OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID

1 TO THE PARENT OR PARENTS OF SUCH STATE POLICE OFFICER OR OTHER
2 LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH. THE BENEFIT SHALL
3 BE PAYABLE WHETHER OR NOT THE OFFICER WAS KILLED WITHIN THE
4 COMMONWEALTH OF PENNSYLVANIA.

5 ~~(F)~~ (E) ON JULY 1 OF EACH FISCAL YEAR BEGINNING AFTER <—
6 JANUARY 1, 1995, THE COMMONWEALTH SHALL ADJUST THE LEVEL OF THE
7 BENEFIT PAYABLE IMMEDIATELY BEFORE JULY 1 UNDER SUBSECTIONS (D)
8 AND (E) OF THIS SECTION TO REFLECT THE ANNUAL PERCENTAGE CHANGE
9 IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, PUBLISHED
10 BY THE UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF LABOR
11 STATISTICS, OCCURRING IN THE ONE-YEAR PERIOD ENDING ON JANUARY 1
12 IMMEDIATELY PRECEDING JULY 1.

13 SECTION 2. ~~AS USED IN THIS ACT:~~ <—

14 "FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER,
15 HAZARDOUS MATERIAL RESPONSE TEAM MEMBER OR LAW ENFORCEMENT
16 OFFICER" MEANS [A]:

17 ~~(1) A FIREFIGHTER[,] OR MEMBER OF A VOLUNTEER FIRE~~
18 ~~COMPANY[,].~~

19 ~~(2) A MEMBER OF AN AMBULANCE SERVICE OR RESCUE SQUAD[,].~~

20 ~~(3) A PEACE OFFICER AS DEFINED IN 18 PA.C.S. § 501 (RELATING~~
21 ~~TO DEFINITIONS)[,].~~

22 ~~(4) A PUBLIC SERVANT CONCERNED IN OFFICIAL DETENTION AS~~
23 ~~DEFINED IN 18 PA.C.S. § 5121 (RELATING TO ESCAPE)[, AN].~~

24 ~~(5) AN OFFICER OR EMPLOYEE OF A STATE CORRECTIONAL~~
25 ~~INSTITUTION[,] OR GUARDS OR EMPLOYEES OF COUNTY JAILS AND~~
26 ~~PRISONS [OR].~~

27 ~~(6) ANY OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH OF~~
28 ~~PENNSYLVANIA OR OF ANY POLITICAL SUBDIVISION THEREOF.~~

29 ~~(7) A MEMBER OF A HAZARDOUS MATERIAL RESPONSE TEAM WHICH IS~~
30 ~~ORGANIZED BY A COMMONWEALTH AGENCY, A LOCAL AGENCY, A REGIONAL~~

~~HAZARDOUS MATERIAL ORGANIZATION OR A VOLUNTEER SERVICE
ORGANIZATION FOR THE PRIMARY PURPOSE OF PROVIDING EMERGENCY
SERVICES TO MITIGATE ACTUAL OR POTENTIAL IMMEDIATE THREATS TO
PUBLIC HEALTH AND THE ENVIRONMENT IN RESPONSE TO THE RELEASE OR
THREAT OF A RELEASE OF A HAZARDOUS MATERIAL AND CERTIFIED,
TRAINED AND EQUIPPED IN ACCORDANCE WITH THE ACT OF DECEMBER 7,
1990 (P.L.639, NO.165), KNOWN AS THE "HAZARDOUS MATERIAL
EMERGENCY PLANNING AND RESPONSE ACT."~~

~~"KILLED" MEANS CESSATION OF ALL BODILY FUNCTIONS CAUSED BY
ANY WOUND, ACCIDENT, DISEASE OR STRAIN ARISING OR INCURRED
DURING THE PERFORMANCE OF ANY OFFICIAL DUTY OR ACTIVITY.~~

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

~~SECTION 2.1. THIS ACT SHALL BE BROADLY CONSTRUED TO GRANT
BENEFITS TO FIREFIGHTERS, AMBULANCE SERVICE OR RESCUE SQUAD
MEMBERS, HAZARDOUS MATERIAL RESPONSE TEAM MEMBERS OR LAW
ENFORCEMENT OFFICERS FOR DEATHS RELATED TO THE PERFORMANCE OF
THEIR DUTIES.~~

~~Section 2 3. The amendment of section 1 of the act shall be
retroactive to January 1, 1994 JULY 1, 1994.~~

~~Section 3 4. This act shall take effect immediately.~~