

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1081 Session of  
1995

INTRODUCED BY HART, HELFRICK, TOMLINSON, AFFLERBACH, BELAN,  
BAKER, PETERSON, MUSTO, MOWERY, SALVATORE, O'PAKE, WILLIAMS,  
KASUNIC, GERLACH, STEWART, SCHWARTZ, WENGER, DELP,  
PORTERFIELD AND RHOADES, JUNE 8, 1995

REFERRED TO LABOR AND INDUSTRY, JUNE 8, 1995

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," extending benefits to survivors of hazardous  
7 material response team members; and defining "killed."

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

10 Section 1. The title 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 October 16, 1981 (P.L.295,  
13 No.102), is amended to read:

14 AN ACT

15 Providing for the payment of death benefits to the surviving  
16 spouse or children or parents of firefighters, hazardous  
17 material response team members, ambulance service or rescue  
18 squad members or law enforcement officers killed in the  
19 performance of their duties.

1       Section 2.   Section 1 of the act, amended December 27, 1994  
2   (P.L.1373, No.161), is amended to read:

3       Section 1.   (a)   In the event a law enforcement officer,  
4   ambulance service or rescue squad member [or], firefighter or  
5   hazardous material response team member is killed in the  
6   performance of his duties, such political subdivision within 30  
7   days from the date of death shall submit certification of such  
8   death to the Commonwealth.

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

28       (c)   A volunteer ambulance service or rescue squad member  
29   shall be deemed to be acting in the performance of his duties  
30   for the purposes of this act going to or directly returning from

1 an emergency which the ambulance service or rescue squad  
2 attended including travel from and direct return to an ambulance  
3 service or rescue squad member's home, place of business or  
4 other place where he or she shall have been when he or she  
5 received the call or alarm or while participating in drills in  
6 which the ambulance service or rescue squad shall have  
7 participated or while repairing or doing other work about or on  
8 any emergency vehicle or buildings and grounds of the ambulance  
9 service or rescue squad upon the authorization of the chief of  
10 the ambulance service or rescue squad or other person in charge  
11 while answering any emergency calls for any purpose or while  
12 riding upon any vehicles which are owned or used by the  
13 ambulance service or rescue squad.

14 (c.1) A hazardous material response team member shall be  
15 deemed to be acting in the performance of the member's duties  
16 for the purposes of this act under the following circumstances:

17 (1) when not part of a third party environmental contract;

18 (2) going to or directly returning from the site of a  
19 release or threat of a release of a hazardous material,  
20 including travel from and direct return to a hazardous material  
21 response team member's home, place of business or other place  
22 where the member shall have been when the member received the  
23 call;

24 (3) while participating in drills in which the hazardous  
25 material response team shall have participated;

26 (4) while repairing or doing other work about or on  
27 hazardous material response team vehicles or buildings and  
28 grounds of the hazardous material response team upon the  
29 authorization of the leader of the hazardous material response  
30 team or other person in charge;

1     (5) while answering any calls for any purpose; or

2     (6) while riding upon any vehicles which are owned or used  
3 by the hazardous material response team.

4     (d) Upon receipt of such certification, the Commonwealth  
5 shall, from moneys payable out of the General Fund, pay to the  
6 political subdivision the sum of \$50,000, adjusted in accordance  
7 with subsection (f) of this section. Within five days of receipt  
8 of said sum from the Commonwealth, the political subdivision  
9 shall pay such sum as a benefit to the surviving spouse, or if  
10 there is no surviving spouse, to the minor children of the  
11 firefighter, ambulance service or rescue squad member, hazardous  
12 material response team member or law enforcement officer killed  
13 in the performance of duty. When no spouse or minor children  
14 survive, the benefit shall be paid to the parent or parents of  
15 such firefighter, ambulance service or rescue squad member,  
16 hazardous material response team member or law enforcement  
17 officer.

18     (e) The Commonwealth of Pennsylvania shall pay out of the  
19 General Fund to the surviving spouse, or, if there is no  
20 surviving spouse, the minor children of a State police officer  
21 or other law enforcement officer of the Commonwealth killed in  
22 the performance of his duties the sum of \$50,000, adjusted in  
23 accordance with subsection (f) of this section. When no spouse  
24 or minor children survive, the benefit shall be paid to the  
25 parent or parents of such State police officer or other law  
26 enforcement officer of the Commonwealth. The benefit shall be  
27 payable whether or not the officer was killed within the  
28 Commonwealth of Pennsylvania.

29     (f) On July 1 of each fiscal year beginning after January 1,  
30 1995, the Commonwealth shall adjust the level of the benefit

1 payable immediately before July 1 under subsections (d) and (e)  
2 of this section to reflect the annual percentage change in the  
3 Consumer Price Index for All Urban Consumers, published by the  
4 United States Department of Commerce, Bureau of Labor  
5 Statistics, occurring in the one-year period ending on January 1  
6 immediately preceding July 1.

7 Section 3. Section 2 of the act, amended October 16, 1981  
8 (P.L.295, No.102), is amended to read:

9 Section 2. As used in this act:

10 "Firefighter, ambulance service or rescue squad member,  
11 hazardous material response team member or law enforcement  
12 officer" means [a]:

13 (1) A firefighter[, ] or member of a volunteer fire  
14 company[, ].

15 (2) A member of an ambulance service or rescue squad[, ].

16 (3) A peace officer as defined in 18 Pa.C.S. § 501 (relating  
17 to definitions)[, ].

18 (4) A public servant concerned in official detention as  
19 defined in 18 Pa.C.S. § 5121 (relating to escape)[, and].

20 (5) An officer or employee of a State correctional  
21 institution[, ] or guards or employees of county jails and  
22 prisons [or].

23 (6) Any other law enforcement officer of the Commonwealth of  
24 Pennsylvania or of any political subdivision thereof.

25 (7) A member of a hazardous material response team which is  
26 organized by a Commonwealth agency, a local agency, a regional  
27 hazardous material organization or a volunteer service  
28 organization, except a third party environmental contract, for  
29 the primary purpose of providing emergency services to mitigate  
30 actual or potential immediate threats to public health and the

1 environment in response to the release or threat of a release of  
2 a hazardous material and certified, trained and equipped in  
3 accordance with the act of December 7, 1990 (P.L.639, No.165),  
4 known as the "Hazardous Material Emergency Planning and Response  
5 Act."

6 "Killed" means cessation of all bodily functions caused by  
7 any wound, accident, disease or strain arising or incurred  
8 during the performance of any official duty or activity.

9 Section 4. Section 2.1 of the act, added December 27, 1994  
10 (P.L.1373, No.161), is amended to read:

11 Section 2.1. This act shall be broadly construed to grant  
12 benefits to firefighters, ambulance service or rescue squad  
13 members, hazardous material response team members or law  
14 enforcement officers for deaths related to the performance of  
15 their duties.

16 Section 5. This act shall take effect immediately.