

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 272 Session of
2003

INTRODUCED BY MUSTO, TARTAGLIONE, COSTA, LOGAN, LEMMOND AND
ORIE, FEBRUARY 10, 2003

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 10, 2003

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,
2 as amended, "An act providing for the payment of the salary,
3 medical and hospital expenses of members of the State Police
4 Force, of the enforcement officers and investigators employed
5 by the Pennsylvania Liquor Control Board, and the parole
6 agents, enforcement officers and investigators of the
7 Pennsylvania Board of Probation and Parole, Capitol Police
8 officers, correction officers employed by the Department of
9 Corrections whose principal duty is the care, custody and
10 control of inmates, psychiatric security aides employed by
11 the Department of Public Welfare and the Department of
12 Corrections whose principal duty is the care, custody, and
13 control of the criminally insane, drug enforcement agents of
14 the Office of Attorney General whose principal duty is the
15 enforcement of the drug laws of the Commonwealth, special
16 agents of the office of Attorney General whose principal duty
17 is the enforcement of the criminal law of the Commonwealth,
18 members of the Delaware River Port Authority Police and of
19 policemen, firemen and park guards by the Commonwealth of
20 Pennsylvania, the Delaware River Port Authority, counties,
21 cities, boroughs, towns and townships, who are injured or
22 contract certain diseases in the performance of their duty;
23 and providing that absence during such injury shall not
24 reduce any usual sick leave period," extending benefits to
25 county corrections officers of counties of the third class;
26 and making editorial changes.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 Section 1. Section 1 of the act of June 28, 1935 (P.L.477,

1 No.193), referred to as the Enforcement Officer Disability
2 Benefits Law, amended December 19, 1996 (P.L.1438, No.183) is
3 amended to read:

4 Section 1. (a) Be it enacted, &c., That any member of the
5 State Police Force, any enforcement officer or investigator
6 employed by the Pennsylvania Liquor Control Board, and the
7 parole agents, enforcement officers and investigators of the
8 Pennsylvania Board of Probation and Parole, Capitol Police
9 officers, correction officers employed by the Department of
10 Corrections, whose principal duty is the care, custody and
11 control of inmates, psychiatric security aides employed by the
12 Department of Public Welfare and the Department of Corrections,
13 whose principal duty is the care, custody, and control of the
14 criminally insane, drug enforcement agents of the Office of
15 Attorney General whose principal duty is the enforcement of the
16 drug laws of the Commonwealth, special agents of the Office of
17 Attorney General whose principal duty is the enforcement of the
18 criminal laws of the Commonwealth, any member of the Delaware
19 River Port Authority Police or any policeman, fireman or park
20 guard of any county, city, borough, town or township, any
21 correction officer employed by a county of the third class and
22 whose principal duty is the care, custody and control of inmates
23 of any county jail or prison, who is injured in the performance
24 of his duties including, in the case of firemen, duty as special
25 fire police, and by reason thereof is temporarily incapacitated
26 from performing his duties, shall be paid by the Commonwealth of
27 Pennsylvania if a member of the State Police Force or an
28 enforcement officer or investigator employed by the Pennsylvania
29 Liquor Control Board or the parole agents, enforcement officers
30 and investigators of the Pennsylvania Board of Probation and

1 Parole, Capitol Police officers, correction officers employed by
2 the Department of Corrections, whose principal duty is the care,
3 custody and control of inmates, psychiatric security aides
4 employed by the Department of Public Welfare and the Department
5 of Corrections, whose principal duty is the care, custody, and
6 control of the criminally insane, drug enforcement agents of the
7 Office of Attorney General whose principal duty is the
8 enforcement of the drug laws of the Commonwealth, special agents
9 of the Office of Attorney General whose principal duty is the
10 enforcement of the criminal laws of the Commonwealth, or by the
11 Delaware River Port Authority if a member of the Delaware River
12 Port Authority Police or by the county, township or
13 municipality, by which he is employed, his full rate of salary,
14 as fixed by ordinance or resolution, until the disability
15 arising therefrom has ceased. All medical and hospital bills,
16 incurred in connection with any such injury, shall be paid by
17 the Commonwealth of Pennsylvania or by the Delaware River Port
18 Authority or by such county, township or municipality. During
19 the time salary for temporary incapacity shall be paid by the
20 Commonwealth of Pennsylvania or by the Delaware River Port
21 Authority or by the county, city, borough, town or township, any
22 workmen's compensation, received or collected by any such
23 employe for such period, shall be turned over to the
24 Commonwealth of Pennsylvania or to the Delaware River Port
25 Authority or to such county, city, borough, town or township,
26 and paid into the treasury thereof, and if such payment shall
27 not be so made by the employe the amount so due the Commonwealth
28 of Pennsylvania, the Delaware River Port Authority or the
29 county, city, borough, town or township shall be deducted from
30 any salary then or thereafter becoming due and owing.

1 (b) In the case of the State Police Force, enforcement
2 officers and investigators employed by the Pennsylvania Liquor
3 Control Board and the parole agents, enforcement officers and
4 investigators of the Pennsylvania Board of Probation and Parole,
5 Capitol Police officers, correction officers employed by the
6 Department of Corrections, whose principal duty is the care,
7 custody and control of inmates, psychiatric security aides
8 employed by the Department of Public Welfare and the Department
9 of Corrections whose principal duty is the care, custody, and
10 control of the criminally insane, drug enforcement agents of the
11 Office of Attorney General whose principal duty is the
12 enforcement of the drug laws of the Commonwealth, special agents
13 of the Office of Attorney General whose principal duty is the
14 enforcement of the criminal laws of the Commonwealth, members of
15 the Delaware River Port Authority Police, correction officers
16 employed by a county of the third class and whose principal duty
17 is the care, custody and control of inmates of any county jail
18 or prison and salaried policemen and firemen who have served for
19 four consecutive years or longer, diseases of the heart and
20 tuberculosis of the respiratory system, contracted or incurred
21 by any of them after four years of continuous service as such,
22 and caused by extreme overexertion in times of stress or danger
23 or by exposure to heat, smoke, fumes or gases, arising directly
24 out of the employment of any such member of the State Police
25 Force, enforcement officer, investigator employed by the
26 Pennsylvania Liquor Control Board, guard or enforcement officer
27 employed by the Department of Corrections or parole agent,
28 enforcement officer or investigator of the Pennsylvania Board of
29 Probation and Parole, Capitol Police officers, correction
30 officers employed by the Department of Corrections whose

1 principal duty is the care, custody and control of inmates,
2 psychiatric security aides employed by the Department of Public
3 Welfare and the Department of Corrections whose principal duty
4 is the care, custody, and control of the criminally insane, drug
5 enforcement agents of the Office of Attorney General whose
6 principal duty is the enforcement of the drug laws of the
7 Commonwealth, special agents of the Office of Attorney General
8 whose principal duty is the enforcement of the criminal laws of
9 the Commonwealth, member of the Delaware River Port Authority
10 Police, correction officer employed by a county of the third
11 class, or policeman or fireman, shall be compensable in
12 accordance with the terms hereof; and unless any such disability
13 shall be compensable under the compensation laws as having been
14 caused by accidental injury, such disability shall be
15 compensable as occupational disease disabilities are presently
16 compensable under the compensation laws of this Commonwealth. It
17 shall be presumed that tuberculosis of the respiratory system
18 contracted or incurred after four consecutive years of service
19 was contracted or incurred as a direct result of employment.

20 (c) In the case of any person receiving benefits pursuant to
21 this act, the statutes of limitations set forth in sections
22 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,
23 No.338), known as ["The Pennsylvania Workmen's Compensation
24 Act,"] the "Workers' Compensation Act," shall not begin to run
25 until the expiration of the receipt of benefits pursuant to this
26 act.

27 (d) All payments herein required to be made by the
28 Commonwealth of Pennsylvania on account of any member of the
29 State Police Force shall be made from moneys appropriated to the
30 Pennsylvania State Police, and any payments required to be made

1 on account of any enforcement officer or investigator employed
2 by the Pennsylvania Liquor Control Board shall be from
3 appropriations out of the State Stores Fund, any payments
4 required to be made on account of any parole agent, enforcement
5 officer or investigator employed by the Pennsylvania Board of
6 Probation and Parole shall be from moneys appropriated to the
7 Pennsylvania Board of Probation and Parole, any payments
8 required to be made on account of Capitol Police officers shall
9 be made from moneys appropriated to the Department of General
10 Services, any payments required to be made on account of any
11 State correction officer shall be made from moneys appropriated
12 to the Department of Corrections, any payments required to be
13 made on account of any psychiatric security aides shall be made
14 from moneys appropriated to the Department of Public Welfare or
15 the Department of Corrections where appropriate, and any
16 payments required to be made on account of any drug enforcement
17 agent or special agents shall be made from moneys appropriated
18 to the Office of Attorney General.

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