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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

No. 875      Session of  
2005

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INTRODUCED BY HUTCHINSON, SEMMEL, SATHER, CLYMER, BAKER,  
BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BENNINGHOFF,  
BOYD, BROWNE, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER,  
CRUZ, CURRY, DALEY, DALLY, DENLINGER, DeWEESE, EACHUS,  
D. EVANS, FABRIZIO, FAIRCHILD, FLEAGLE, FLICK, FORCIER,  
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GRUCELA, GRUITZA, HALUSKA, HARHAI, HARRIS, HASAY, HENNESSEY,  
HERMAN, HERSHEY, HESS, HICKERNELL, JAMES, KAUFFMAN, KILLION,  
KOTIK, LEACH, LEDERER, LEH, MANN, MARKOSEK, MARSICO,  
McGEEHAN, McILHATTAN, R. MILLER, NAILOR, O'NEILL, PALLONE,  
PAYNE, PETRARCA, PETRONE, PHILLIPS, PYLE, REED, REICHLEY,  
ROHRER, SAINATO, SAMUELSON, SCAVELLO, SCHRODER, SHANER,  
B. SMITH, SOLOBAY, STERN, R. STEVENSON, TANGRETTI,  
E. Z. TAYLOR, TIGUE, WALKO, WANSACZ, WATSON, WILT,  
YOUNGBLOOD, ZUG, PICKETT, MELIO, HANNA AND ALLEN,  
MARCH 14, 2005

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE,  
SEPTEMBER 20, 2005

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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, law  
5 enforcement officers or National Guard members killed in the  
6 performance of their duties," further providing for death  
7 benefit eligibility and for definitions.

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 April 2, 2002 (P.L.213,

1 No.20), is amended to read:

2 AN ACT

3 Providing for the payment of death benefits to the surviving  
4 spouse or children or parents of firefighters, ambulance  
5 service or rescue squad members, law enforcement officers or  
6 National Guard members [killed in] who died DIE as a result <—  
7 of the performance of their duties.

8 Section 2. Section 1(a), (d), (e) and (f) of the act,  
9 amended April 2, 2002 (P.L.213, No.20), are amended and the  
10 section is amended by adding a subsection to read:

11 Section 1. (a) In the event a law enforcement officer,  
12 ambulance service or rescue squad member, firefighter or  
13 National Guard member [is killed in] who died DIES as a result <—  
14 of the performance of his duties, such political subdivision or,  
15 in the case of National Guard members, the Adjutant General,  
16 within 30 days from the date of death, shall submit  
17 certification of such death to the Commonwealth.

18 (a.1) A firefighter, ambulance service or rescue squad  
19 member, State police officer, other law enforcement officer or <—  
20 National Guard member who suffers a fatal heart attack or stroke  
21 while on duty or not later than 24 hours after participating in  
22 a physical training exercise or responding to an emergency is  
23 presumed to have died as a result of the performance of his  
24 duties for purposes of this act.

25 \* \* \*

26 (d) Upon receipt of such certification, the Commonwealth  
27 shall, from moneys payable out of the General Fund, pay to the  
28 political subdivision the sum of [\$50,000] \$100,000, adjusted in  
29 accordance with subsection (f) of this section. Within five days  
30 of receipt of said sum from the Commonwealth, the political

1 subdivision shall pay such sum as a benefit to the surviving  
2 spouse, or if there is no surviving spouse, to the minor  
3 children of the firefighter, ambulance service or rescue squad  
4 member or law enforcement officer [killed in] who died as a  
5 result of the performance of his duty. When no spouse or minor  
6 children survive, the benefit shall be paid to the parent or  
7 parents of such firefighter, ambulance service or rescue squad  
8 member or law enforcement officer.

9 (e) The Commonwealth of Pennsylvania shall pay out of the  
10 General Fund to the surviving spouse or, if there is no  
11 surviving spouse, the minor children of a National Guard member,  
12 State police officer or other law enforcement officer of the  
13 Commonwealth [killed in] who died as a result of the performance  
14 of his duties the sum of [\$50,000] \$100,000, adjusted in  
15 accordance with subsection (f) of this section. When no spouse  
16 or minor children survive, the benefit shall be paid to the  
17 parent or parents of such National Guard member, State police  
18 officer or other law enforcement officer of the Commonwealth.  
19 The benefit shall be payable whether or not the National Guard  
20 member or officer [was killed] who died as a result of the <—  
21 performance of his duty within the Commonwealth of Pennsylvania.

22 (f) On July 1 [of each fiscal year beginning after January <—  
23 1, ~~{1995}~~ ~~2004~~ 1995] 2006, AND EACH JULY 1 THEREAFTER, the <—  
24 Commonwealth shall adjust the level of the benefit payable  
25 immediately before July 1 under subsections (d) and (e) of this  
26 section to reflect the annual percentage change in the Consumer  
27 Price Index for All Urban Consumers, published by the United  
28 States Department of Commerce, Bureau of Labor Statistics,  
29 occurring in the one-year period ending on January 1 immediately  
30 preceding July 1.

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

4       Section 2. "Firefighter, ambulance service or rescue squad  
5 member or law enforcement officer" means a firefighter[,]; a  
6 member of a volunteer fire company[,]; a member of an ambulance  
7 service or rescue squad[,]; a peace officer as defined in 18  
8 Pa.C.S. § 501 (relating to definitions)[,]; a public servant  
9 concerned in official detention as defined in 18 Pa.C.S. § 5121  
10 (relating to escape)[,]; an officer or employee of a State  
11 correctional institution[,]; guards or employees of county jails  
12 and prisons; or any other law enforcement officer of the  
13 Commonwealth of Pennsylvania or of any political subdivision  
14 thereof.

15       Section 4. The amendment or addition of section 1(a.1), (d)  
16 and (e) of the act shall apply retroactively to include any  
17 certificate of death of an eligible firefighter, ambulance  
18 service or rescue squad member, law enforcement officer or  
19 National Guard member who died as a result of the performance of  
20 his or her duties filed on or after December 15, 2003.

21       Section 5. This act shall take effect as follows:

22           (1) The amendment of sections 1(d), (e) and (f) and 2 of  
23 the act shall take effect in 60 days.

24           (2) The remainder of this act shall take effect  
25 immediately.