

EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT -  
AMEND NATIONAL GUARD MEMBERS INCLUSION

Act of Apr. 2, 2002, P.L. 213, No. 20

Cl. 40

Session of 2002

No. 2002-20

HB 1520

AN ACT

Amending the act of June 24, 1976 (P.L.424, No.101), entitled, as amended, "An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members or law enforcement officers killed in the performance of their duties," extending benefits to certain National Guard members.

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

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

AN ACT

Providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members [or], law enforcement officers **or National Guard members** killed in the performance of their duties.

Section 2. Sections 1 and 2.1 of the act, amended or added December 27, 1994 (P.L.1373, No.161), are amended to read:

Section 1. (a) In the event a law enforcement officer, ambulance service or rescue squad member [or], firefighter **or National Guard member** is killed in the performance of his duties, such political subdivision **or, in the case of National Guard members, the Adjutant General**, within 30 days from the date of death, shall submit certification of such death to the Commonwealth.

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

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

(d) Upon receipt of such certification, the Commonwealth shall, from moneys payable out of the General Fund, pay to the political subdivision the sum of \$50,000, adjusted in accordance with subsection (f) 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 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 or law enforcement officer.

(e) 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 **National Guard member**, State police officer or other law enforcement officer of the Commonwealth killed in the performance of his duties the sum of \$50,000, adjusted in accordance with subsection (f) of this section. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such **National Guard member**, State police officer or other law enforcement officer of the Commonwealth. The benefit shall be payable whether or not the **National Guard member** or officer was killed within the Commonwealth of Pennsylvania.

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

(g) **A National Guard member shall be deemed to be acting in the performance of his duties for the purposes of this act when:**

(1) **his death occurs in an official duty status authorized under 51 Pa.C.S. § 508 (relating to active State duty for emergency); or**

(2) **going directly to or from the place of such duties.**

Section 2.1. This act shall be broadly construed to grant benefits to firefighters, ambulance service or rescue squad members [or], law enforcement officers **or National Guard personnel** for deaths related to the performance of their duties.

Section 3. This act shall take effect immediately.

APPROVED--The 2nd day of April, A. D. 2002.

MARK S. SCHWEIKER