
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 395

Session of
1981

INTRODUCED BY FREIND, HASAY, PUNT, McCALL, GRAY, COHEN,
LAUGHLIN, ZWIKL, CLARK, JACKSON, GANNON, PETERSON, MRKONIC,
NOYE, MICOZZIE, ARTY, REBER, LETTERMAN, SPITZ, DAVIES,
HOEFFEL, FISCHER, J. L. WRIGHT, CIMINI, COLE, COCHRAN, MERRY,
MADIGAN, HALUSKA, HORGOS, ALDEN, WACHOB, LASHINGER, PRATT,
GLADECK, KANUCK, L. E. SMITH, WENGER, KUKOVICH, E. Z. TAYLOR,
CALTAGIRONE, SNYDER, CLYMER, SWEET, COWELL, JOHNSON, COSLETT,
TRELLO, SEVENTY, LUCYK, GRIECO, McINTYRE, McVERRY, SMITH AND
CIVERA, FEBRUARY 3, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 3, 1981

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled
2 "An act providing for the payment of death benefits to the
3 surviving spouse or children of firemen or law enforcement
4 officers killed in the performance of their duties,"
5 extending the act to include volunteer firefighters,
6 AMBULANCE SERVICE OR RESCUE SQUAD MEMBERS, changing the ←
7 method of payment and making editorial changes.

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

10 Section 1. The title and sections 1 and 2, act of June 24,
11 1976 (P.L.424, No.101), entitled "An act providing for the
12 payment of death benefits to the surviving spouse or children of
13 firemen or law enforcement officers killed in the performance of
14 their duties," are amended to read:

15 AN ACT

16 Providing for the payment of death benefits to the surviving

1 spouse or children OR CERTAIN DEPENDENT PARENTS of [firemen] <—
2 firefighters, AMBULANCE SERVICE OR RESCUE SQUAD MEMBERS or <—
3 law enforcement officers killed in the performance of their
4 duties.

5 Section 1. [A political subdivision shall pay to the
6 surviving spouse, or, if there is no surviving spouse, the minor
7 children, of a fireman or law enforcement officer of the
8 political subdivision killed in the performance of his duties
9 the sum of \$25,000. The benefit shall be payable whether or not
10 the officer was killed within the corporate boundaries of the
11 employing municipality.]

12 In the event a law enforcement officer, AMBULANCE SERVICE OR <—
13 RESCUE SQUAD MEMBERS or firefighter is killed in the performance
14 of his duties, such political subdivision within 30 days from
15 the date of death shall submit certification of such death to
16 the Commonwealth. A volunteer firefighter shall be deemed to be
17 acting in the performance of his duties for the purposes of this
18 act going to or directly returning from a fire which the fire
19 company or fire department attended including travel from and
20 direct return to a firefighter's home, place of business or
21 other place where he or she shall have been when he or she
22 received the call or alarm or while participating in instruction
23 fire drills in which the fire department or fire company shall
24 have participated or while repairing or doing other work about
25 or on the fire apparatus or buildings and grounds of the fire
26 company or fire department upon the authorization of the chief
27 of the fire company or fire department or other person in charge
28 or while answering any emergency calls for any purpose or while
29 riding upon the fire apparatus which is owned or used by the
30 fire company or fire department or while performing any other

1 duties of such fire company or fire department as authorized by
2 the municipality or while performing duties imposed by section
3 15, act of April 27, 1927 (P.L.465, No.299), referred to as the
4 Fire and Panic Act. A VOLUNTEER AMBULANCE SERVICE OR RESCUE ←
5 SQUAD MEMBER SHALL BE DEEMED TO BE ACTING IN THE PERFORMANCE OF
6 HIS DUTIES FOR THE PURPOSES OF THIS ACT GOING TO OR DIRECTLY
7 RETURNING FROM AN EMERGENCY WHICH THE AMBULANCE SERVICE OR
8 RESCUE SQUAD ATTENDED INCLUDING TRAVEL FROM AND DIRECT RETURN TO
9 AN AMBULANCE SERVICE OR RESCUE SQUAD MEMBER'S HOME, PLACE OF
10 BUSINESS OR OTHER PLACE WHERE HE OR SHE SHALL HAVE BEEN WHEN HE
11 OR SHE RECEIVED THE CALL OR ALARM OR WHILE PARTICIPATING IN
12 DRILLS IN WHICH THE AMBULANCE SERVICE OR RESCUE SQUAD SHALL HAVE
13 PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON
14 ANY EMERGENCY VEHICLE OR BUILDINGS AND GROUNDS OF THE AMBULANCE
15 SERVICE OR RESCUE SQUAD UPON THE AUTHORIZATION OF THE CHIEF OF
16 THE AMBULANCE SERVICE OR RESCUE SQUAD OR OTHER PERSON IN CHARGE
17 WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE
18 RIDING UPON ANY VEHICLES WHICH ARE OWNED OR USED BY THE
19 AMBULANCE SERVICE OR RESCUE SQUAD. Upon receipt of such
20 certification, the Commonwealth shall, from moneys payable out
21 of the General Fund, pay to the political subdivision the sum of
22 \$25,000. Within five days of receipt of said sum from the
23 Commonwealth, the political subdivision shall pay such sum as a
24 benefit to the surviving spouse, or if there is no surviving
25 spouse, to the minor children of the firefighter, AMBULANCE ←
26 SERVICE OR RESCUE SQUAD MEMBERS or law enforcement officer
27 killed in the performance of duty. WHEN NO SPOUSE OR MINOR ←
28 CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO THE PARENT OR
29 PARENTS OF SUCH FIREFIGHTER, AMBULANCE SERVICE OR RESCUE SQUAD
30 MEMBER OR LAW ENFORCEMENT OFFICER IF THE PARENT OR PARENTS HAD A

1 ONE-THIRD DEPENDENCY ON THE INCOME OF SUCH FIREFIGHTER,
2 AMBULANCE SERVICE OR RESCUE SQUAD MEMBER OR LAW ENFORCEMENT
3 OFFICER 12 MONTHS PRIOR TO THE DATE OF DEATH; THE PAYMENT SHALL
4 BE MADE IN EQUAL SHARES TO BOTH IF BOTH ARE SO DEPENDENT. IF
5 ONLY ONE PARENT WAS DEPENDENT, THE TOTAL BENEFIT SHALL BE PAID
6 TO THAT PARENT.

7 The Commonwealth of Pennsylvania shall pay out of the General
8 Fund to the surviving spouse, or, if there is no surviving
9 spouse, the minor children of a State [policeman] police officer
10 or other law enforcement officer of the Commonwealth killed in
11 the performance of his duties the sum of \$25,000. WHEN NO SPOUSE ←
12 OR MINOR CHILDREN SURVIVE, THE BENEFIT SHALL BE PAID TO THE
13 PARENT OR PARENTS OF SUCH STATE POLICE OFFICER OR OTHER LAW
14 ENFORCEMENT OFFICER OF THE COMMONWEALTH IF THE PARENT OR PARENTS
15 HAD A ONE-THIRD DEPENDENCY ON THE INCOME OF SUCH STATE POLICE
16 OFFICER OR OTHER LAW ENFORCEMENT OFFICER OF THE COMMONWEALTH 12
17 MONTHS PRIOR TO THE DATE OF DEATH; THE PAYMENT SHALL BE MADE IN
18 EQUAL SHARES TO BOTH IF BOTH ARE SO DEPENDENT. IF ONLY ONE
19 PARENT WAS DEPENDENT, THE TOTAL BENEFIT SHALL BE PAID TO THAT
20 PARENT. The benefit shall be payable whether or not the officer
21 was killed within the Commonwealth of Pennsylvania.

22 [Upon payment of this death benefit by a political
23 subdivision, the political subdivision shall apply to the State
24 Treasurer and be reimbursed for the total amount by the
25 Commonwealth of Pennsylvania. Payments by the Commonwealth or
26 reimbursement to the political subdivisions shall be made out of
27 the General Fund of the Commonwealth of Pennsylvania.]

28 Section 2. ["Fireman"] "Firefighter, AMBULANCE SERVICE OR ←
29 RESCUE SQUAD MEMBER or law enforcement officer" means a
30 [fireman,] firefighter, member of a volunteer fire company,

1 MEMBER OF AN AMBULANCE SERVICE OR RESCUE SQUAD, peace officer as ←
2 defined in 18 Pa.C.S. § 501 (relating to definitions), public
3 servant concerned in official detention as defined in 18 Pa.C.S.
4 § 5121 (relating to escape), an officer or employee of a State
5 correctional institution, guards or employees of county jails
6 and prisons or other law enforcement officer of the Commonwealth
7 of Pennsylvania or of any political subdivision thereof.

8 Section 2. This act shall take effect immediately and the
9 provisions relating to the clarification in the definition of
10 "firefighter, AMBULANCE SERVICE OR RESCUE SQUAD MEMBER or law ←
11 enforcement officer" shall be retroactive to January 1, 1976 and
12 shall be applicable to all claims for benefits under this act
13 arising on and after said date.