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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 233      Session of  
1993

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INTRODUCED BY PESCI, FARGO, PETRARCA, REBER, TRELLO, CESSAR,  
BAKER, BELARDI, LUCYK, MIHALICH, OLASZ, HERMAN, CLARK,  
LAUGHLIN, JAROLIN, TIGUE, GODSHALL, MAYERNIK, McCALL, GAMBLE,  
ARMSTRONG, BELFANTI, DeLUCA, STABACK, PISTELLA, E. Z. TAYLOR,  
STURLA, GERLACH, CAWLEY AND KING, FEBRUARY 8, 1993

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 8, 1993

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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 or  
5 law enforcement officers killed in the performance of their  
6 duties," providing for benefit coverage during mutual aid  
7 assistance.

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

10 Section 1. Section 1 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 Section 1. In the event a law enforcement officer, ambulance  
15 service or rescue squad member or firefighter is killed in the  
16 performance of his duties, such political subdivision within 30  
17 days from the date of death shall submit certification of such  
18 death to the Commonwealth. A volunteer firefighter shall be  
19 deemed to be acting in the performance of his duties for the

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

1 answering any emergency calls for any purpose or while riding  
2 upon any vehicles which are owned or used by the ambulance  
3 service or rescue squad. Upon receipt of such certification, the  
4 Commonwealth shall, from moneys payable out of the General Fund,  
5 pay to the political subdivision the sum of \$25,000. Within five  
6 days of receipt of said sum from the Commonwealth, the political  
7 subdivision shall pay such sum as a benefit to the surviving  
8 spouse, or if there is no surviving spouse, to the minor  
9 children of the firefighter, ambulance service or rescue squad  
10 member or law enforcement officer killed in the performance of  
11 duty. When no spouse or minor children survive, the benefit  
12 shall be paid to the parent or parents of such firefighter,  
13 ambulance service or rescue squad member or law enforcement  
14 officer.

15 The Commonwealth of Pennsylvania shall pay out of the General  
16 Fund to the surviving spouse, or, if there is no surviving  
17 spouse, the minor children of a State police officer or other  
18 law enforcement officer of the Commonwealth killed in the  
19 performance of his duties the sum of \$25,000. When no spouse or  
20 minor children survive, the benefit shall be paid to the parent  
21 or parents of such State police officer or other law enforcement  
22 officer of the Commonwealth. The benefit shall be payable  
23 whether or not the officer was killed within the Commonwealth of  
24 Pennsylvania.

25 Benefit coverage shall be granted for law enforcement  
26 officers, ambulance service or rescue squad members or  
27 firefighters who are killed during mutual aid assistance  
28 notwithstanding the existence or absence of mutual aid  
29 agreements between participating municipalities.

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