

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 409 Session of  
2003

INTRODUCED BY DALLY, BARD, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CAUSER, CIVERA, CLYMER, CORRIGAN, COSTA, CRAHALLA, CRUZ, DeWEESE, FICHTER, FLICK, FRANKEL, GEIST, GEORGE, GILLESPIE, GOODMAN, GRUCELA, HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, HUTCHINSON, JAMES, KELLER, KIRKLAND, KOTIK, LAUGHLIN, LEH, LEWIS, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, R. MILLER, NAILOR, O'NEILL, PALLONE, PAYNE, PETRARCA, PICKETT, READSHAW, ROSS, SAINATO, SAYLOR, SCAVELLO, SHANER, SOLOBAY, STABACK, STERN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WANSACZ, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, WASHINGTON, REICHLEY, REED, TANGRETTI AND BAKER, FEBRUARY 24, 2003

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 13, 2004

## AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),  
2 entitled "An act providing for a waiver of tuition and other  
3 fees for children of certain deceased police officers,  
4 National Guard members, firefighters and correction employees  
5 at community colleges and State-owned and State-related  
6 institutions of higher education and for additional powers  
7 and duties of the Pennsylvania Higher Education Assistance  
8 Agency and the Department of General Services," providing for  
9 eligibility for sheriffs, deputy sheriffs and constables.

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

12 Section 1. The title and section 1 of the act of December  
13 16, 1998 (P.L.980, No.129), known as the Police Officer,  
14 Firefighter, Correction Employee and National Guard Member Child  
15 Beneficiary Education Act, are amended to read:

16 AN ACT

1 Providing for a waiver of tuition and other fees for children of  
2 certain deceased police officers, National Guard members,  
3 firefighters [and], correction employees, sheriffs, deputy  
4 sheriffs and constables at community colleges and State-owned  
5 and State-related institutions of higher education and for  
6 additional powers and duties of the Pennsylvania Higher  
7 Education Assistance Agency and the Department of General  
8 Services.

9 Section 1. Short title.

10 This act shall be known and may be cited as the [Police  
11 Officer, Firefighter, Correction Employee and National Guard  
12 Member] Child Beneficiary Education Act.

13 Section 2. The act is amended by adding a section to read:

14 Section 1.1. Declaration of policy.

15 The General Assembly finds and declares as follows:

16 ~~(1) Pennsylvania's law enforcement officers,~~ <—

17 (1) PENNSYLVANIA'S POLICE OFFICERS, SHERIFFS, DEPUTY <—  
18 SHERIFFS, CONSTABLES, NATIONAL GUARD MEMBERS, firefighters  
19 and correction employees risk their lives daily to protect  
20 the citizens of this Commonwealth and their property.

21 ~~(2) The services performed by law enforcement officers,~~ <—

22 (2) THE SERVICES PERFORMED BY PENNSYLVANIA'S POLICE <—  
23 OFFICERS, SHERIFFS, DEPUTY SHERIFFS, CONSTABLES,  
24 firefighters, correction employees and National Guard members  
25 are necessary to the protection of the health, safety and  
26 welfare of the citizens of this Commonwealth.

27 ~~(3) Some Pennsylvania law enforcement officers,~~ <—

28 (3) SOME PENNSYLVANIA POLICE OFFICERS, SHERIFFS, DEPUTY <—  
29 SHERIFFS, CONSTABLES, NATIONAL GUARD MEMBERS, firefighters  
30 and correction employees have lost or will lose their lives

1 in the performance of their duties.

2 ~~(4) Many members of the National Guard perform dangerous~~ <—

3 (4) MANY POLICE OFFICERS, SHERIFFS, DEPUTY SHERIFFS, <—  
4 CONSTABLES, NATIONAL GUARD MEMBERS, FIREFIGHTERS AND  
5 CORRECTION EMPLOYEES PERFORM DANGEROUS duties in times of  
6 emergency and civil disorder in order to protect the lives  
7 and property of the residents of this Commonwealth.

8 (5) It is therefore the intent of the General Assembly  
9 to recognize the ultimate sacrifice made by law enforcement <—  
10 officers, POLICE OFFICERS, SHERIFFS, DEPUTY SHERIFFS, <—  
11 CONSTABLES, firefighters, correction employees and National  
12 Guard members killed in the performance of their duties by  
13 providing a postsecondary educational gratuity for their  
14 children at community colleges and State-owned or State-  
15 related institutions in this Commonwealth.

16 Section 3. The definition of "child" or "children" in  
17 section 2 of the act is amended and the section is amended by  
18 adding a definition to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall  
21 have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 \* \* \*

24 "Child" or "children." A resident of this Commonwealth who  
25 is the child by birth or adoption of a deceased [police] law  
26 enforcement officer, firefighter, correction employee or  
27 National Guard member killed in the performance of his or her  
28 duties.

29 \* \* \*

30 "Law enforcement officer." Any of the following:

- 1       (1) A police officer.  
2       (2) A sheriff in any county of this Commonwealth.  
3       (3) A deputy sheriff in any county of this Commonwealth.  
4       (4) A constable in any county of this Commonwealth.

5       \* \* \*

6       Section 4. Sections 3 and 8 of the act are amended to read:

7       Section 3. Postsecondary Educational Gratuity Program.

8       (a) Establishment.--There is hereby established the  
9       Postsecondary Educational Gratuity Program for children of  
10      [police] law enforcement officers, firefighters, correction  
11      employees and National Guard members of this Commonwealth who  
12      are killed while acting in the performance of their duties.

13      (b) Eligibility.--

14              (1) Police officers, SHERIFFS AND DEPUTY SHERIFFS shall      <—  
15      be deemed to have been killed in the performance of their  
16      duties if death results from job-related injuries sustained  
17      or inflicted while performing any of the following:

18                  (i) Answering an emergency call.

19                  (ii) Conducting interrogations of crime suspects or  
20      interrogations pursuant to a response to an emergency  
21      call.

22                  (iii) Conducting vehicle stops for traffic  
23      violations.

24                  (iv) Actively responding to requests for assistance  
25      from the public OR OTHER LAW ENFORCEMENT OFFICERS.      <—

26                  (v) Maintaining order and security at the scene of  
27      an emergency.

28              (VI) SERVING PROCESS OR EXECUTING ORDERS.      <—

29              (2) Firefighters shall be deemed to have been killed in  
30      the performance of their duties if death results from job-

1 related injuries sustained or inflicted while performing any  
2 of the following:

3 (i) Being present at the scene of a fire or going to  
4 and from a fire. In the case of volunteer firefighters,  
5 going to and from a fire shall include traveling from and  
6 directly returning to the firefighter's home, place of  
7 business or other location where the firefighter was when  
8 the fire call or alarm was received for a fire which the  
9 firefighter's volunteer fire company attended.

10 (ii) Answering an emergency call.

11 (iii) Maintaining order and security at the scene of  
12 an emergency.

13 (3) A member of the National Guard shall be deemed to  
14 have been killed in the performance of his or her duties if  
15 his or her death results from performance of a duty required  
16 by his or her orders or commander while in an official duty  
17 status other than on Federal active duty.

18 (4) Correction employees shall be deemed to have been  
19 killed in the performance of their duties if death results  
20 from job-related injuries sustained or inflicted while  
21 maintaining order and security or otherwise carrying out  
22 their duties at a correctional facility.

23 ~~(5) Sheriffs, deputy sheriffs and constables shall be~~ <—  
24 ~~deemed to have been killed in the performance of their duties~~  
25 ~~if death results from job related injuries sustained or~~  
26 ~~inflicted while performing any of the following:~~

27 ~~(i) Answering an emergency call.~~

28 ~~(ii) Conducting interrogations of crime suspects or~~  
29 ~~interrogations pursuant to a response to an emergency~~  
30 ~~call.~~

~~(iii) Conducting vehicle stops for traffic violations.~~

~~(iv) Actively responding to requests for assistance from the public.~~

~~(v) Maintaining order and security at the scene of an emergency.~~

(5) CONSTABLES SHALL BE DEEMED TO HAVE BEEN KILLED IN THE PERFORMANCE OF THEIR DUTIES IF DEATH RESULTS FROM JOB-RELATED INJURIES SUSTAINED OR INFLICTED WHILE PERFORMING ANY OF THE FOLLOWING:

(I) SERVING PROCESS OR EXECUTING ORDERS.

(II) ACTIVELY RESPONDING TO REQUESTS FOR ASSISTANCE FROM THE PUBLIC OR OTHER LAW ENFORCEMENT OFFICERS.

(III) MAINTAINING ORDER AND SECURITY AT THE SCENE OF AN EMERGENCY.

[(5)] (6) Notwithstanding the provisions of this section, deaths which occur as the direct and proximate result of preexisting physical conditions, diseases or illnesses shall be excluded from eligibility under this section.

[(6)] (7) Any child of a [police] law enforcement officer, firefighter, correction employee or National Guard member killed in the performance of his or her duties shall be eligible for an educational gratuity provided the child is 25 years of age or younger at the time of application for participation in this program, meets all admission requirements of the community college or State-owned or State-related institution to which application is made and is enrolled as a full-time student at a community college or a State-owned or State-related institution.

1            [(7)] (8) A child who is 25 years of age or younger at  
2            the time of the child's application for participation in this  
3            program and who meets all other eligibility requirements may  
4            receive an educational gratuity for up to five years provided  
5            the child otherwise continues to be eligible for  
6            participation.

7            (c) Scope of benefit.--

8            (1) The benefit available under this section shall be  
9            provided only for full-time students who are pursuing  
10           undergraduate studies leading to an associate degree or a  
11           baccalaureate degree.

12           (2) A child becomes eligible for this benefit after he  
13           or she has applied for available scholarships and Federal and  
14           State grants to cover tuition and room and board costs. The  
15           child must provide a record of application for such financial  
16           aid to the community college or State-owned or State-related  
17           institution to which he or she is applying.

18           (3) A community college or a State-owned or State-  
19           related institution shall waive all remaining tuition and  
20           room and board charges (total tuition, room and board and  
21           fees minus awarded scholarships and Federal and State grants)  
22           for an eligible child during the time the child is enrolled  
23           as a full-time student provided the child meets all  
24           requirements for admission to the community college or State-  
25           owned or State-related institution and during the child's  
26           enrollment complies with all requirements of the institution  
27           for continued attendance and award of an associate degree or  
28           a baccalaureate degree.

29           (d) Administration.--

30           (1) Copies of all [police] law enforcement officer and

1 firefighter death certifications received by the Department  
2 of General Services under the act of June 24, 1976 (P.L.424,  
3 No.101), referred to as the Emergency and Law Enforcement  
4 Personnel Death Benefits Act, shall be provided by the  
5 Department of General Services to PHEAA within 20 days of  
6 their receipt.

7 (2) Written notification of the death of any correction  
8 employee killed in the performance of his or her duties shall  
9 be submitted to PHEAA by the Secretary of Corrections within  
10 20 days of the death of the employee.

11 (3) Written notification of the death of any member of  
12 the National Guard killed in the performance of his or her  
13 duties shall be submitted to PHEAA by the Adjutant General of  
14 the Department of Military and Veterans Affairs within 20  
15 days of the death of the National Guard member.

16 (4) Applications for an educational gratuity shall be  
17 submitted to PHEAA by the child or the surviving parent or  
18 guardian of the child, together with a certified copy of the  
19 child's birth certificate or adoption record or other  
20 documentation of birth or adoption acceptable to PHEAA. The  
21 application shall include a copy of the child's letter of  
22 acceptance at a community college or a State-owned or State-  
23 related institution. If no death certification has been  
24 received from the Department of General Services, Secretary  
25 of Corrections or Adjutant General of the Department of  
26 Military and Veterans Affairs, PHEAA may elect to accept  
27 other documentation certifying that the child's parent was a  
28 [police] law enforcement officer, firefighter, correction  
29 employee or National Guard member killed during the  
30 performance of his or her duties.



(5) Within 30 days of receipt of a completed application, PHEAA shall send written notice to the child and the community college or State-owned or State-related institution of the child's eligibility or noneligibility for participation in this program. If the child is determined not to be eligible for an educational gratuity, the notice shall include the reason or reasons for such determination and an indication that an appeal of PHEAA's determination may be made pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

(6) Upon receipt of notification of the child's eligibility from PHEAA, a community college or a State-owned or State-related institution is prohibited from charging the child or the child's parent or guardian any tuition fee or room and board charge. If moneys have been received by the community college or the State-owned or State-related institution for these purposes, those moneys must be refunded in full within 30 days of receipt by the community college or the State-owned or State-related institution of the notice of the child's eligibility.

(7) Each community college or State-owned or State-related institution at which an eligible child is enrolled shall notify PHEAA upon the child's graduation or when the child is no longer enrolled at the community college or State-owned or State-related institution.

Section 8. Retroactivity.

**[This]** (A) GENERAL.--EXCEPT AS PROVIDED IN SUBSECTION (B). <—  
THIS act shall be retroactive to January 1, 1976, and the benefit provided shall be available to qualified children of [police] law enforcement officers, firefighters, correction

1 employees and National Guard members of this Commonwealth killed  
2 ~~in the performance of their duties since that date. No community~~ <—  
3 IN THE PERFORMANCE OF THEIR DUTIES SINCE THAT DATE. <—

4 (B) EXCEPTIONS.--

5 (1) NO COMMUNITY college, State-owned or State-related  
6 institution shall reimburse qualified children OF POLICE <—  
7 OFFICERS, FIREFIGHTERS, CORRECTION EMPLOYEES OR NATIONAL  
8 GUARD MEMBERS for tuition and fees or room and board charges  
9 paid between January 1, 1976, and the effective date of this  
10 act.

11 (2) NO COMMUNITY COLLEGE, STATE-OWNED OR STATE-RELATED <—  
12 INSTITUTION SHALL REIMBURSE QUALIFIED CHILDREN OF SHERIFFS,  
13 DEPUTY SHERIFFS OR CONSTABLES FOR TUITION AND FEES OR ROOM  
14 AND BOARD CHARGES PAID BETWEEN JANUARY 1, 1976, AND THE  
15 EFFECTIVE DATE OF THIS PARAGRAPH.

16 (3) NO COMMUNITY COLLEGE, STATE-OWNED OR STATE-RELATED  
17 INSTITUTION SHALL REIMBURSE QUALIFIED CHILDREN OF POLICE  
18 OFFICERS FOR TUITION AND FEES OR ROOM AND BOARD CHARGES PAID  
19 BETWEEN DECEMBER 16, 1998, AND THE EFFECTIVE DATE OF THIS  
20 PARAGRAPH.

21 Section 5. This act shall take effect immediately.