

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 915 Session of
2007

INTRODUCED BY PAYNE, BAKER, CAPPELLI, CAUSER, CREIGHTON,
EVERETT, FABRIZIO, GEORGE, GINGRICH, GOODMAN, HALUSKA,
HARHAI, HERSHEY, HESS, HICKERNELL, HUTCHINSON, JAMES,
M. KELLER, KILLION, KIRKLAND, KORTZ, MAJOR, MARKOSEK,
R. MILLER, MURT, MYERS, O'NEILL, PICKETT, READSHAW, REICHLEY,
SAYLOR, SOLOBAY, WATERS, THOMAS AND FREEMAN, MARCH 22, 2007

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 22, 2007

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 who die as a
6 result of the performance of their duties," expanding the act
7 to authorize benefits to emergency management personnel.

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 October 6, 2005 (P.L.319,
13 No.59) is amended to read:

AN ACT

15 Providing for the payment of death benefits to the surviving
16 spouse or children or parents of firefighters, ambulance
17 service [or], rescue squad or emergency management personnel
18 members, law enforcement officers or National Guard members

1 who die as a result of the performance of their duties.

2 Section 2. Sections 1(a), (a.1), (c) and (d) and 2 of the
3 act, amended or added October 6, 2005 (P.L.319, No.59), are
4 amended to read:

5 Section 1. (a) In the event a law enforcement officer,
6 ambulance service [or], rescue squad or emergency management
7 personnel member, firefighter or National Guard member dies as a
8 result of the performance of his duties, such political
9 subdivision or, in the case of National Guard members, the
10 Adjutant General, within 30 days from the date of death, shall
11 submit certification of such death to the Commonwealth.

12 (a.1) A firefighter, ambulance service or rescue squad or
13 emergency management personnel member, law enforcement officer
14 or National Guard member who suffers a fatal heart attack or
15 stroke while on duty or not later than 24 hours after
16 participating in a physical training exercise or responding to
17 an emergency is presumed to have died as a result of the
18 performance of his duties for purposes of this act.

19 * * *

20 (c) A volunteer ambulance service [or], rescue squad or
21 emergency management personnel member shall be deemed to be
22 acting in the performance of his duties for the purposes of this
23 act going to or directly returning from an emergency which the
24 ambulance service [or], rescue squad or organization to which
25 the emergency management personnel member belongs attended
26 including travel from and direct return to an ambulance service
27 [or], rescue squad or emergency management personnel member's
28 home, place of business or other place where he or she shall
29 have been when he or she received the call or alarm or while
30 participating in drills in which the ambulance service [or],

1 rescue squad or emergency management personnel shall have
2 participated or while repairing or doing other work about or on
3 any emergency vehicle or buildings and grounds of the ambulance
4 service [or], rescue squad or organization to which the
5 emergency management personnel belong upon the authorization of
6 the chief of the ambulance service or rescue squad or other
7 person in charge while answering any emergency calls for any
8 purpose or while riding upon any vehicles which are owned or
9 used by the ambulance service [or], rescue squad or
10 organization.

11 (d) Upon receipt of such certification, the Commonwealth
12 shall, from moneys payable out of the General Fund, pay to the
13 political subdivision the sum of \$100,000, adjusted in
14 accordance with subsection (f) of this section. Within five days
15 of receipt of said sum from the Commonwealth, the political
16 subdivision shall pay such sum as a benefit to the surviving
17 spouse, or if there is no surviving spouse, to the minor
18 children of the firefighter, ambulance service [or], rescue
19 squad or emergency management personnel member or law
20 enforcement officer who died as a result of the performance of
21 his duty. When no spouse or minor children survive, the benefit
22 shall be paid to the parent or parents of such firefighter,
23 ambulance service [or], rescue squad or emergency management
24 personnel member or law enforcement officer.

25 * * *

26 Section 2. "Firefighter, ambulance service [or], rescue
27 squad or emergency management personnel member or law
28 enforcement officer" means a firefighter; a member of a
29 volunteer fire company; a member of an ambulance service or
30 rescue squad; any person employed by a municipality as part of

1 its emergency management personnel; a peace officer as defined
2 in 18 Pa.C.S. § 501 (relating to definitions); a public servant
3 concerned in official detention as defined in 18 Pa.C.S. § 5121
4 (relating to escape); an officer or employee of a State
5 correctional institution; guards or employees of county jails
6 and prisons; or any other law enforcement officer of the
7 Commonwealth of Pennsylvania or of any political subdivision
8 thereof.

9 Section 3. Section 2.1 of the act, amended April 2, 2002
10 (P.L.213, No.20), is amended to read:

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

16 Section 4. This act shall take effect in 60 days.