

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1238** Session of  
2008

INTRODUCED BY STACK, TARTAGLIONE, ORIE, COSTA, RAFFERTY, LOGAN,  
FONTANA, WAUGH, O'PAKE, GREENLEAF, WOZNIAK, RHOADES, BOSCOLA,  
FERLO, HUGHES, FUMO AND C. WILLIAMS, FEBRUARY 12, 2008

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 12, 2008

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," further providing  
7 for death benefit eligibility.

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

10 Section 1. Section 1(d) and (e) of the act of June 24, 1976  
11 (P.L.424, No.101), referred to as the Emergency and Law  
12 Enforcement Personnel Death Benefits Act, amended October 6,  
13 2005 (P.L.319, No.59) and July 2, 2007 (P.L.68, No.21), are  
14 amended to read:

15 Section 1. \* \* \*

16 (d) Upon receipt of such certification, the Commonwealth  
17 shall, from moneys payable out of the General Fund, pay to the  
18 [political subdivision] surviving spouse or, if there is no  
19 surviving spouse, to the minor children of the firefighter,  
20 ambulance service, certified hazardous material response team

1 member, rescue squad member or law enforcement officer who died  
2 as a result of the performance of his duty the sum of [\$100,000]  
3 \$250,000, adjusted in accordance with subsection (f) of this  
4 section. [If the deceased was a member of a team organized under  
5 a Commonwealth agency, the death benefit shall be paid to the  
6 Commonwealth agency instead of the political subdivision. Within  
7 five days of receipt of said sum from the Commonwealth, the  
8 political subdivision or Commonwealth agency shall pay such sum  
9 as a benefit to the surviving spouse, or if there is no  
10 surviving spouse, to the minor children of the firefighter,  
11 ambulance service member, certified hazardous material response  
12 team member, rescue squad member or law enforcement officer who  
13 died as a result of the performance of his duty.] When no spouse  
14 or minor children survive, the benefit shall be paid to the  
15 parent or parents of such firefighter, ambulance service member,  
16 certified hazardous material response team member, rescue squad  
17 member or law enforcement officer.

18 (e) The Commonwealth of Pennsylvania shall pay out of the  
19 General Fund to the surviving spouse or, if there is no  
20 surviving spouse, the minor children of a National Guard member,  
21 State police officer or other law enforcement officer of the  
22 Commonwealth who died as a result of the performance of his  
23 duties the sum of [\$100,000] \$250,000, adjusted in accordance  
24 with subsection (f) of this section. When no spouse or minor  
25 children survive, the benefit shall be paid to the parent or  
26 parents of such National Guard member, State police officer or  
27 other law enforcement officer of the Commonwealth. The benefit  
28 shall be payable whether or not the National Guard member or  
29 officer died as a result of the performance of his duty within  
30 the Commonwealth of Pennsylvania.

1 \* \* \*

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