

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2411 Session of 2012

INTRODUCED BY SAINATO, BARRAR, NEILSON, GOODMAN, BISHOP,  
BRENNAN, BROOKS, CALTAGIRONE, FABRIZIO, FARRY, HALUSKA,  
HORNAMAN, KORTZ, KOTIK, LONGIETTI, MILLER, MIRABITO, O'NEILL,  
PRESTON, READSHAW, SWANGER, SCHMOTZER, TOEPEL, EVERETT,  
JAMES, KULA AND WATERS, MAY 31, 2012

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MAY  
31, 2012

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 the payment of death benefits to members of the  
8 Pennsylvania Civil Air Patrol.

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

11 Section 1. Section 1(a), (a.1), (c) and (e) of the act of  
12 June 24, 1976 (P.L.424, No.101), referred to as the Emergency  
13 and Law Enforcement Personnel Death Benefits Act, amended  
14 October 9, 2009 (P.L.588, No.51), are amended to read:

15 Section 1. (a) In the event a law enforcement officer,  
16 ambulance service or rescue squad member, firefighter, certified  
17 hazardous material response team member, member of the  
18 Pennsylvania Civil Air Patrol or National Guard member dies as a  
19 result of the performance of his duties, such political

1 subdivision, Commonwealth agency or, in the case of National  
2 Guard members, the Adjutant General, or, in the case of a member  
3 of a Commonwealth law enforcement agency, the authorized  
4 survivor or the agency head, within 90 days from the date of  
5 death, shall submit certification of such death to the  
6 Commonwealth.

7 (a.1) A firefighter, ambulance service or rescue squad  
8 member, law enforcement officer, certified hazardous material  
9 response team member, member of the Pennsylvania Civil Air  
10 Patrol or National Guard member who suffers a fatal heart attack  
11 or stroke while on duty or not later than 24 hours after  
12 participating in a physical training exercise or responding to  
13 an emergency is presumed to have died as a result of the  
14 performance of his duties for purposes of this act.

15 \* \* \*

16 (c) A volunteer ambulance service, certified hazardous  
17 material response team, member of the Pennsylvania Civil Air  
18 Patrol or rescue squad member shall be deemed to be acting in  
19 the performance of his duties for the purposes of this act going  
20 to or directly returning from an emergency which the ambulance  
21 service, certified hazardous material response team, member of  
22 the Pennsylvania Civil Air Patrol or rescue squad attended  
23 including travel from and direct return to an ambulance service,  
24 certified hazardous material response team, member of the  
25 Pennsylvania Civil Air Patrol or rescue squad member's home,  
26 place of business or other place where he or she shall have been  
27 when he or she received the call or alarm or while participating  
28 in drills in which the ambulance service, certified hazardous  
29 material response team, member of the Pennsylvania Civil Air  
30 Patrol or rescue squad shall have participated or while

1 repairing or doing other work about or on any emergency vehicle  
2 or buildings and grounds of the ambulance service, certified  
3 hazardous material response team, member of the Pennsylvania  
4 Civil Air Patrol or rescue squad upon the authorization of the  
5 chief of the ambulance service, certified hazardous material  
6 response team, member of the Pennsylvania Civil Air Patrol or  
7 rescue squad or other person in charge while answering any  
8 emergency calls for any purpose or while riding upon any  
9 vehicles which are owned or used by the ambulance service,  
10 certified hazardous material response team, member of the  
11 Pennsylvania Civil Air Patrol or rescue squad.

12 \* \* \*

13 (e) The Commonwealth of Pennsylvania shall pay out of the  
14 General Fund to the surviving spouse or, if there is no  
15 surviving spouse, the minor children of a National Guard member,  
16 certified hazardous material response team member, member of the  
17 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
18 service or rescue squad member who died as a result of the  
19 performance of his duties the sum of \$100,000, adjusted in  
20 accordance with subsection (f) of this section. When no spouse  
21 or minor children survive, the benefit shall be paid to the  
22 parent or parents of such National Guard member, certified  
23 hazardous material response team member, member of the  
24 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
25 service or rescue squad member. The benefit shall be payable  
26 whether or not the National Guard member or certified hazardous  
27 material response team member, member of the Pennsylvania Civil  
28 Air Patrol, volunteer firefighter, ambulance service or rescue  
29 squad member died as a result of the performance of his duty  
30 within the Commonwealth of Pennsylvania.

1       \* \* \*

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