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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2391 Session of  
2015

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INTRODUCED BY MURT, D. COSTA, DRISCOLL, GIBBONS, HARKINS, ROZZI,  
SAVAGE AND YOUNGBLOOD, OCTOBER 6, 2016

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, OCTOBER 6, 2016

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AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,  
2 as amended, "An act providing for the payment of the salary,  
3 medical and hospital expenses of members of the State Police  
4 Force, of the enforcement officers and investigators employed  
5 by the Pennsylvania Liquor Control Board, and the parole  
6 agents, enforcement officers and investigators of the  
7 Pennsylvania Board of Probation and Parole, Capitol Police  
8 officers, correction employes employed by the Department of  
9 Corrections whose principal duty is the care, custody and  
10 control of inmates, psychiatric security aides employed by  
11 the Department of Public Welfare and the Department of  
12 Corrections whose principal duty is the care, custody, and  
13 control of the criminally insane, drug enforcement agents of  
14 the Office of Attorney General whose principal duty is the  
15 enforcement of the drug laws of the Commonwealth, special  
16 agents of the Office of Attorney General whose principal duty  
17 is the enforcement of the criminal laws of the Commonwealth,  
18 members of the Delaware River Port Authority Police and of  
19 policemen, firemen and park guards by the Commonwealth of  
20 Pennsylvania, the Delaware River Port Authority, counties,  
21 cities, boroughs, towns and townships, and sheriffs and  
22 deputy sheriffs who are injured or contract certain diseases  
23 in the performance of their duty; and providing that absence  
24 during such injury shall not reduce any usual sick leave  
25 period," further providing for disability benefits.

26 The General Assembly of the Commonwealth of Pennsylvania  
27 hereby enacts as follows:

28 Section 1. Section 1 of the act of June 28, 1935 (P.L.477,  
29 No.193), referred to as the Enforcement Officer Disability

1 Benefits Law, amended March 15, 2006 (P.L.55, No.20) and July 7,  
2 2006 (P.L.614, No.95), is amended to read:

3 Section 1. (a) Be it enacted, &c., That any member of the  
4 State Police Force, any enforcement officer or investigator  
5 employed by the Pennsylvania Liquor Control Board, and the  
6 parole agents, enforcement officers and investigators of the  
7 Pennsylvania Board of Probation and Parole, Capitol Police  
8 officers, campus police officers employed by a State-owned  
9 university, community college or State-related college or  
10 university, correction employes employed by the Department of  
11 Corrections, whose principal duty is the care, custody and  
12 control of inmates, psychiatric security aides employed by the  
13 Department of Public Welfare and the Department of Corrections,  
14 whose principal duty is the care, custody, and control of the  
15 criminally insane, drug enforcement agents of the Office of  
16 Attorney General whose principal duty is the enforcement of the  
17 drug laws of the Commonwealth, special agents of the Office of  
18 Attorney General whose principal duty is the enforcement of the  
19 criminal laws of the Commonwealth, any member of the Delaware  
20 River Port Authority Police, any policeman, fireman or park  
21 guard of any county, city, borough, town or township, or any  
22 sheriff or deputy sheriff who is injured in the performance of  
23 his duties including, in the case of firemen, duty as special  
24 fire police, and by reason thereof is temporarily incapacitated  
25 from performing his duties, shall be paid by the Commonwealth of  
26 Pennsylvania if a member of the State Police Force or an  
27 enforcement officer or investigator employed by the Pennsylvania  
28 Liquor Control Board or the parole agents, enforcement officers  
29 and investigators of the Pennsylvania Board of Probation and  
30 Parole, Capitol Police officers, campus police officers employed

1 by a State-owned university, community college or State-related  
2 college or university, correction employes employed by the  
3 Department of Corrections, whose principal duty is the care,  
4 custody and control of inmates, psychiatric security aides  
5 employed by the Department of Public Welfare and the Department  
6 of Corrections, whose principal duty is the care, custody, and  
7 control of the criminally insane, drug enforcement agents of the  
8 Office of Attorney General whose principal duty is the  
9 enforcement of the drug laws of the Commonwealth, special agents  
10 of the Office of Attorney General whose principal duty is the  
11 enforcement of the criminal laws of the Commonwealth, or by the  
12 Delaware River Port Authority if a member of the Delaware River  
13 Port Authority Police or by the county, township or  
14 municipality, by which he is employed, his full rate of salary,  
15 as fixed by ordinance or resolution, until the disability  
16 arising therefrom has ceased. All medical and hospital bills,  
17 incurred in connection with any such injury, shall be paid by  
18 the Commonwealth of Pennsylvania or by the Delaware River Port  
19 Authority or by such county, township or municipality. During  
20 the time salary for temporary incapacity shall be paid by the  
21 Commonwealth of Pennsylvania or by the Delaware River Port  
22 Authority or by the county, city, borough, town or township, any  
23 workmen's compensation, received or collected by any such  
24 employe for such period, shall be turned over to the  
25 Commonwealth of Pennsylvania or to the Delaware River Port  
26 Authority or to such county, city, borough, town or township,  
27 and paid into the treasury thereof, and if such payment shall  
28 not be so made by the employe the amount so due the Commonwealth  
29 of Pennsylvania, the Delaware River Port Authority or the  
30 county, city, borough, town or township shall be deducted from

1 any salary then or thereafter becoming due and owing.

2 (b) In the case of the State Police Force, enforcement  
3 officers and investigators employed by the Pennsylvania Liquor  
4 Control Board and the parole agents, enforcement officers and  
5 investigators of the Pennsylvania Board of Probation and Parole,  
6 Capitol Police officers, campus police officers employed by a  
7 State-owned university, community college or State-related  
8 college or university, correction employees employed by the  
9 Department of Corrections, whose principal duty is the care,  
10 custody and control of inmates, psychiatric security aides  
11 employed by the Department of Public Welfare and the Department  
12 of Corrections whose principal duty is the care, custody, and  
13 control of the criminally insane, drug enforcement agents of the  
14 Office of Attorney General whose principal duty is the  
15 enforcement of the drug laws of the Commonwealth, special agents  
16 of the Office of Attorney General whose principal duty is the  
17 enforcement of the criminal laws of the Commonwealth, members of  
18 the Delaware River Port Authority Police, salaried policemen and  
19 firemen, and sheriffs and deputy sheriffs who have served for  
20 four consecutive years or longer, diseases of the heart and  
21 tuberculosis of the respiratory system, contracted or incurred  
22 by any of them after four years of continuous service as such,  
23 and caused by extreme overexertion in times of stress or danger  
24 or by exposure to heat, smoke, fumes or gases, arising directly  
25 out of the employment of any such member of the State Police  
26 Force, enforcement officer, investigator employed by the  
27 Pennsylvania Liquor Control Board, guard or enforcement officer  
28 employed by the Department of Corrections or parole agent,  
29 enforcement officer or investigator of the Pennsylvania Board of  
30 Probation and Parole, Capitol Police officers, campus police

1 officers employed by a State-owned university, community college  
2 or State-related college or university, correction employes  
3 employed by the Department of Corrections whose principal duty  
4 is the care, custody and control of inmates, psychiatric  
5 security aides employed by the Department of Public Welfare and  
6 the Department of Corrections whose principal duty is the care,  
7 custody, and control of the criminally insane, drug enforcement  
8 agents of the Office of Attorney General whose principal duty is  
9 the enforcement of the drug laws of the Commonwealth, special  
10 agents of the Office of Attorney General whose principal duty is  
11 the enforcement of the criminal laws of the Commonwealth, member  
12 of the Delaware River Port Authority Police, policeman or  
13 fireman, or sheriff or deputy sheriff shall be compensable in  
14 accordance with the terms hereof; and unless any such disability  
15 shall be compensable under the compensation laws as having been  
16 caused by accidental injury, such disability shall be  
17 compensable as occupational disease disabilities are presently  
18 compensable under the compensation laws of this Commonwealth. It  
19 shall be presumed that tuberculosis of the respiratory system  
20 contracted or incurred after four consecutive years of service  
21 was contracted or incurred as a direct result of employment.

22 (c) In the case of any person receiving benefits pursuant to  
23 this act, the statutes of limitations set forth in sections  
24 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
25 No.338), known as the "Workers' Compensation Act," shall not  
26 begin to run until the expiration of the receipt of benefits  
27 pursuant to this act.

28 (d) All payments herein required to be made by the  
29 Commonwealth of Pennsylvania on account of any member of the  
30 State Police Force shall be made from moneys appropriated to the

1 Pennsylvania State Police, and any payments required to be made  
2 on account of any enforcement officer or investigator employed  
3 by the Pennsylvania Liquor Control Board shall be from  
4 appropriations out of the State Stores Fund, any payments  
5 required to be made on account of any parole agent, enforcement  
6 officer or investigator employed by the Pennsylvania Board of  
7 Probation and Parole shall be from moneys appropriated to the  
8 Pennsylvania Board of Probation and Parole, any payments  
9 required to be made on account of Capitol Police officers shall  
10 be made from moneys appropriated to the Department of General  
11 Services, any payments required to be made on account of any  
12 correction employe shall be made from moneys appropriated to the  
13 Department of Corrections, any payments required to be made on  
14 account of any psychiatric security aides shall be made from  
15 moneys appropriated to the Department of Public Welfare or the  
16 Department of Corrections where appropriate, any payments  
17 required to be made on account of a campus police officer  
18 employed by a State-owned university, community college or  
19 State-related college or university shall be made from moneys  
20 provided by the State-owned university, community college or  
21 State-related college or university and any payments required to  
22 be made on account of any drug enforcement agent or special  
23 agents shall be made from moneys appropriated to the Office of  
24 Attorney General.

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