
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2107 Session of
2021

INTRODUCED BY MATZIE, KINKEAD, ZABEL, HILL-EVANS, FREEMAN,
KULIK, MADDEN, SCHLOSSBERG, KINSEY, SANCHEZ, McNEILL,
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INNAMORATO, CEPHAS, WARREN, SAMUELSON, PARKER, BURGOS, DEASY,
GUENST, OTTEN AND CIRESI, NOVEMBER 23, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, NOVEMBER 23, 2021

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled
2 "An act providing for the payment of death benefits to the
3 surviving spouse or children or parents of firefighters,
4 ambulance service or rescue squad members, law enforcement
5 officers or National Guard members who die as a result of the
6 performance of their duties," further providing for title of
7 act; and adding provisions relating to coroners.

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, is amended to read:

13 AN ACT

14 Providing for the payment of death benefits to the surviving
15 spouse or children or parents of firefighters, ambulance
16 service or rescue squad members, law enforcement officers,
17 coroners or National Guard members who die as a result of the
18 performance of their duties.

1 Section 2. Section 1(a), (a.1) and (d) of the act are
2 amended and the section is amended by adding a subsection to
3 read:

4 Section 1. (a) In the event a law enforcement officer,
5 coroner, ambulance service or rescue squad member, firefighter,
6 certified hazardous material response team member, member of the
7 Pennsylvania Civil Air Patrol or National Guard member dies as a
8 result of the performance of his duties, an application,
9 including a certification of death, shall be made to the
10 department within three years of the date of such death by any
11 of the following:

12 (1) A political subdivision.

13 (2) A Commonwealth agency.

14 (3) In the case of National Guard members, the Adjutant
15 General.

16 (4) In the case of a member of a Commonwealth law
17 enforcement agency, the agency head.

18 (5) In the case of a campus police officer, the university
19 or college president.

20 (6) Any survivor eligible for payment of benefits under this
21 act or individual authorized to act on the survivor's behalf.

22 (7) In the case of the Pennsylvania Civil Air Patrol, the
23 State Commander.

24 (a.1) A firefighter, ambulance service or rescue squad
25 member, law enforcement officer, coroner, certified hazardous
26 material response team member, member of the Pennsylvania Civil
27 Air Patrol or National Guard member who suffers a fatal heart
28 attack or stroke while on duty or not later than 24 hours after
29 participating in a physical training exercise or responding to
30 an emergency is presumed to have died as a result of the

1 performance of his duties for purposes of this act.

2 * * *

3 (d) Upon receipt of such certification, the Commonwealth
4 shall, from moneys payable out of the General Fund, pay to the
5 surviving spouse or, if there is no surviving spouse, to the
6 minor children of the paid firefighter, ambulance service or
7 rescue squad member [or], law enforcement officer or coroner who
8 died as a result of the performance of his duty the sum of
9 \$100,000, adjusted in accordance with subsection (f) of this
10 section and an amount equal to the monthly salary, adjusted in
11 accordance with subsection (f) of this section, of the deceased
12 paid firefighter, ambulance service or rescue squad member [or], law
13 enforcement officer or coroner, less any workers'
14 compensation or pension or retirement benefits paid to such
15 survivors, and shall continue such monthly payments until there
16 is no eligible beneficiary to receive them. For the purpose of
17 this subsection, the term "eligible beneficiary" means the
18 surviving spouse or the child or children under the age of
19 eighteen years or, if attending college, under the age of
20 twenty-three years, of the firefighter, ambulance service or
21 rescue squad member [or], law enforcement officer or coroner who
22 died as a result of the performance of his duty. When no spouse
23 or minor children survive, a single sum of \$100,000, adjusted in
24 accordance with subsection (f) of this section, shall be paid to
25 the parent or parents of such firefighter, ambulance service
26 member, rescue squad member [or], law enforcement officer or
27 coroner.

28 * * *

29 (g.1) A coroner shall be deemed to be acting in the
30 performance of his duties for the purposes of this act when

1 acting in accordance with Article XII-B of the act of August 9,
2 1955 (P.L.323, No.130), known as The County Code.

3 Section 3. Sections 2 and 2.1 of the act are amended to
4 read:

5 Section 2. The following words and phrases when used in this
6 act shall have the meanings given to them in this section unless
7 the context clearly indicates otherwise:

8 "Certified hazardous material response team member" means a
9 person who is part of a group of individuals who are certified
10 and organized by a Commonwealth agency, a local agency or a
11 regional hazardous material organization for the primary purpose
12 of providing emergency response services which is dispatched by
13 a public safety answering point to mitigate actual or potential
14 immediate threats to public health and the environment in
15 response to the release or threat of a release of a hazardous
16 material, which is certified, trained and equipped in accordance
17 with the act of December 7, 1990 (P.L.639, No.165), known as the
18 Hazardous Material Emergency Planning and Response Act.

19 Hazardous material response team members who are dispatched by a
20 public safety answering point may also be certified to perform
21 stabilization actions needed to remove threats to public health
22 and the environment from hazardous material releases. A member
23 of a for-profit hazardous material response team that was not
24 dispatched by a public safety answering point, is acting as an
25 agent on behalf of the spiller or responsible party or is
26 responsible for post-emergency or nonemergency response
27 hazardous materials/hazardous waste clean-up activities is not
28 eligible for compensation that is provided for under this act.

29 "Coroner" means an elected or appointed coroner, deputy
30 coroner or an elected or appointed medical examiner.

1 "Department" means the Department of General Services of the
2 Commonwealth.

3 "Firefighter, ambulance service or rescue squad member or law
4 enforcement officer" means a firefighter; a member of a
5 volunteer fire company; a member of an ambulance service or
6 rescue squad; a peace officer as defined in 18 Pa.C.S. § 501
7 (relating to definitions); a public servant concerned in
8 official detention as defined in 18 Pa.C.S. § 5121 (relating to
9 escape); an officer or employee of a State correctional
10 institution; guards or employees of county jails and prisons; or
11 any other law enforcement officer employed by the Commonwealth
12 or a political subdivision.

13 "Public safety answering point" means the Pennsylvania
14 Emergency Management Agency-approved first point at which calls
15 for emergency assistance from individuals are answered, operated
16 24 hours a day.

17 Section 2.1. This act shall be broadly construed to grant
18 benefits to firefighters, ambulance service or rescue squad
19 members, law enforcement officers, coroners or National Guard
20 personnel for deaths related to the performance of their duties.

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