
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2108 Session of
2021

INTRODUCED BY KINKEAD, MATZIE, ZABEL, STAMBAUGH, HILL-EVANS,
FREEMAN, KULIK, MADDEN, SCHLOSSBERG, KINSEY, SANCHEZ,
McNEILL, T. DAVIS, HOHENSTEIN, BURNS, SNYDER, SAINATO,
MALAGARI, DELLOSO, HOWARD, O'MARA, HANBIDGE, WEBSTER,
PISCIOTTANO, VITALI, KRUEGER, D. WILLIAMS, ISAACSON, ROZZI,
KIM, A. DAVIS, BENHAM, 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 telecommunicators.

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 telecommunicators or National Guard members who die as a

1 result of the performance of their duties.

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

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

13 (1) A political subdivision.

14 (2) A Commonwealth agency.

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

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

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

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

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

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

1 exercise or responding to an emergency is presumed to have died
2 as a result of the performance of his duties for purposes of
3 this act.

4 * * *

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

30 * * *

1 (g.1) A telecommunicator shall be deemed to be acting in the
2 performance of his duties for the purposes of this act when
3 acting in accordance with 35 Pa.C.S. Ch. 53 (relating to 911
4 emergency communication services).

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

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

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

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

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 "Telecommunicator" means an individual employed by a public
18 safety answering point as defined in 35 Pa.C.S. § 5302 (relating
19 to definitions), whose primary responsibility is to receive,
20 process, transmit or dispatch emergency and nonemergency calls
21 for service for emergency medical, fire and rescue, law
22 enforcement or other public safety services via telephone, radio
23 or other communication device. The term includes call takers,
24 emergency dispatchers and supervisors.

25 Section 2.1. This act shall be broadly construed to grant
26 benefits to firefighters, ambulance service or rescue squad
27 members, law enforcement officers [or], telecommunicators or
28 National Guard personnel for deaths related to the performance
29 of their duties.

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