
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 849 Session of
2021

INTRODUCED BY STEFANO, BAKER, COSTA, MENSCH, MUTH, SCHWANK,
BREWSTER, ROBINSON, J. WARD, MASTRIANO, PITTMAN AND COLLETT,
AUGUST 30, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 22, 2022

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in veterans' preference, further
3 providing for definitions; and, in voluntary veterans'
4 preference in private employment, further providing for
5 definitions.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definitions of "surviving spouse" and
9 "veteran" in sections 7101.2 and 7202 of Title 51 of the
10 Pennsylvania Consolidated Statutes, amended or added October 29,
11 2020 (P.L.1045, No.102), are amended and the sections are
12 amended by adding definitions to read:

13 § 7101.2. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Surviving spouse." An unmarried spouse of a deceased

1 ~~service member~~ veteran KILLED ON ACTIVE DUTY OR A VETERAN. <--

2 "Under conditions other than dishonorable." A condition in
3 which a recipient of a discharge from service is any of the
4 following:

5 (1) A recipient of an honorable discharge.

6 (2) A recipient of a general, under honorable
7 conditions, discharge.

8 (3) A recipient of a discharge under other than
9 honorable DISHONORABLE conditions for which the recipient has <--
10 been determined to be eligible for benefits afforded by the
11 United States Department of Veterans Affairs.

12 "Veteran." The term includes:

13 (1) An individual who served, as evidenced by the
14 veteran's discharge papers, separation documents or statement
15 of service, or hereafter serves in any of the following:

16 (i) in the armed forces of the United States,
17 including a reserve component or National Guard, has
18 completed their initial contractual military service
19 obligation and their last discharge or release was under
20 conditions other than dishonorable;

21 (ii) in the armed forces of the United States,
22 including a reserve component or National Guard, has
23 served during a period of war or armed conflict as
24 determined by the United States Department of Defense,
25 has completed a tour of active duty for purposes other
26 than training, was released from that period of active
27 duty under conditions other than dishonorable and
28 continues to serve; [or]

29 (iii) in the armed forces of the United States,
30 including a reserve component or National Guard, has

1 completed an initial contractual military service
2 obligation and continues to serve[.]; or

3 (iv) in the armed forces of the United States,
4 including a reserve component or National Guard, whose
5 last discharge was due to a disability and under
6 conditions other than dishonorable.

7 (2) An active duty member of the armed forces of the
8 United States who is completing a tour of active duty that is
9 three years or more and is within 90 days of an approved
10 discharge or release, as evidenced by documentation of the
11 projected discharge or release from active duty under
12 conditions other than dishonorable.

13 § 7202. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Surviving spouse." An unmarried spouse of a deceased
19 [service member] veteran.

20 "Under conditions other than dishonorable." A condition in
21 which a recipient of a discharge from service is any of the
22 following:

23 (1) A recipient of an honorable discharge.

24 (2) A recipient of a general, under honorable
25 conditions, discharge.

26 (3) A recipient of a discharge under other than
27 honorable DISHONORABLE conditions for which the recipient has <--
28 been determined to be eligible for benefits afforded by the
29 United States Department of Veterans Affairs.

30 "Veteran." The term includes:

1 (1) An individual who served, as evidenced by the
2 veteran's discharge papers or separation documents, or
3 hereafter serves in any of the following:

4 (i) in the armed forces of the United States,
5 including a reserve component or National Guard, has
6 completed their initial contractual military service
7 obligation and their last discharge or release was under
8 conditions other than dishonorable;

9 (ii) in the armed forces of the United States,
10 including a reserve component or National Guard, has
11 served during a period of war or armed conflict as
12 determined by the United States Department of Defense,
13 has completed a tour of active duty for purposes other
14 than training, was released from that period of active
15 duty under conditions other than dishonorable and
16 continues to serve; [or]

17 (iii) in the armed forces of the United States,
18 including a reserve component or National Guard, has
19 completed an initial contractual military service
20 obligation and continues to serve[.]; or

21 (iv) in the armed forces of the United States,
22 including a reserve component or National Guard, whose
23 last discharge was due to a disability and under
24 conditions other than dishonorable.

25 (2) An active duty member of the armed forces of the
26 United States who is completing a tour of active duty that is
27 three years or more and is within 90 days of an approved
28 discharge or release, as evidenced by documentation of the
29 projected discharge or release from active duty under
30 conditions other than dishonorable.

1 * * *

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