
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 THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 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 VETERAN OR OF A SERVICE MEMBER WHO DIED ON ACTIVE DUTY IN THE <--
3 UNITED STATES ARMED FORCES, INCLUDING A RESERVE COMPONENT OR
4 NATIONAL GUARD.

5 "Under conditions other than dishonorable." A condition in
6 which a recipient of a discharge from service is any of the
7 following:

8 (1) A recipient of an honorable discharge.

9 (2) A recipient of a general, under honorable
10 conditions, discharge.

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

15 "Veteran." The term includes:

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

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

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

1 continues to serve; [or]

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

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

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

16 § 7202. Definitions.

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

20 * * *

21 "Surviving spouse." An unmarried spouse of a deceased
22 [service member] veteran OR OF A SERVICE MEMBER WHO DIED ON <--
23 ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, INCLUDING A
24 RESERVE COMPONENT OR NATIONAL GUARD.

25 "Under conditions other than dishonorable." A condition in
26 which a recipient of a discharge from service is any of the
27 following:

28 (1) A recipient of an honorable discharge.

29 (2) A recipient of a general, under honorable
30 conditions, discharge.

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

5 "Veteran." The term includes:

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

9 (i) in the armed forces of the United States,
10 including a reserve component or National Guard, has
11 completed their initial contractual military service
12 obligation and their last discharge or release was under
13 conditions other than dishonorable;

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

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

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

30 (2) An active duty member of the armed forces of the

1 United States who is completing a tour of active duty that is
2 three years or more and is within 90 days of an approved
3 discharge or release, as evidenced by documentation of the
4 projected discharge or release from active duty under
5 conditions other than dishonorable.

6 * * *

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