

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 422 Session of 2023

INTRODUCED BY HAMM, FLICK, ZIMMERMAN, KAUFFMAN, R. MACKENZIE, McNEILL, JAMES, STRUZZI, ORTITAY, GIRAL, TAKAC, CONKLIN AND E. NELSON, MARCH 15, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 15, 2023

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.

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

1 read:

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

10 (1) A political subdivision.

11 (2) A Commonwealth agency.

12 (3) In the case of National Guard members, the Adjutant
13 General.

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

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

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

20 (7) In the case of the Pennsylvania Civil Air Patrol, the
21 State Commander.

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

30 * * *

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

* * *

(h) A coroner shall be deemed to be acting in the performance of his duties for the purposes of this act when acting in accordance with Article XII-B of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

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

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

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

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

"Coroner" means an elected or appointed coroner or an elected or appointed medical examiner.

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

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

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

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

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