
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2262 Session of
2022

INTRODUCED BY RIGBY, HILL-EVANS, STAMBAUGH, SCHMITT, T. DAVIS,
THOMAS, SCHLOSSBERG, CAUSER, FARRY AND NEILSON,
JANUARY 21, 2022

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JANUARY 21, 2022

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
18 result of the performance of their duties.

19 Section 2. Section 1(a), (a.1) and (d) of the act are

1 amended and the section is amended by adding subsections to
2 read:

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

11 (1) A political subdivision.

12 (2) A Commonwealth agency.

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

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

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

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

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

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

1 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
8 telecommunicator who died as a result of the performance of his
9 duty the sum of \$100,000, adjusted in accordance with subsection
10 (f) of this section and an amount equal to the monthly salary,
11 adjusted in accordance with subsection (f) of this section, of
12 the deceased paid firefighter, ambulance service or rescue squad
13 member [or], law enforcement officer or telecommunicator, less
14 any workers' compensation or pension or retirement benefits paid
15 to such survivors, and shall continue such monthly payments
16 until there is no eligible beneficiary to receive them. For the
17 purpose of this subsection, the term "eligible beneficiary"
18 means the surviving spouse or the child or children under the
19 age of 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
22 telecommunicator who died as a result of the performance of his
23 duty. When no spouse or minor children survive, a single sum of
24 \$100,000, adjusted in accordance with subsection (f) of this
25 section, shall be paid to the parent or parents of such
26 firefighter, ambulance service member, rescue squad member [or],
27 law enforcement officer or telecommunicator.

28 * * *

29 (g.1) A telecommunicator 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 35 Pa.C.S. Ch. 53 (relating to 911
2 emergency communication services).

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

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

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