

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

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 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:

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

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

3 Section 1. (a) In the event a law enforcement officer,
4 coroner, ambulance service or rescue squad member, firefighter,
5 certified hazardous material response team member, member of the
6 Pennsylvania Civil Air Patrol or National Guard member dies as a
7 result of the performance of his duties, an application,
8 including a certification of death, shall be made to the
9 department within three years of the date of such death by any
10 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, coroner, certified hazardous
25 material response team member, member of the Pennsylvania Civil
26 Air Patrol or National Guard member who suffers a fatal heart
27 attack or stroke while on duty or not later than 24 hours after
28 participating in a physical training exercise or responding to
29 an emergency is presumed to have died as a result of the
30 performance of his duties for purposes of this act.

1 * * *

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

27 * * *

28 (h) A coroner shall be deemed to be acting in the
29 performance of his duties for the purposes of this act when
30 acting in accordance with Article XII-B of the act of August 9,

1 1955 (P.L.323, No.130), known as The County Code.

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

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

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

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

28 "Coroner" means an elected or appointed coroner, DEPUTY
29 CORONER or an elected or appointed medical examiner.

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30 "Department" means the Department of General Services of the

1 Commonwealth.

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

12 "Public safety answering point" means the Pennsylvania
13 Emergency Management Agency-approved first point at which calls
14 for emergency assistance from individuals are answered, operated
15 24 hours a day.

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

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