

No. 1994-140

AN ACT

HB 1741

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," further providing for pensions of surviving spouses of deceased police officers.

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

Section 1. Sections 4301 and 4303(c) of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164) and amended October 4, 1978 (P.L.950, No.188), are amended to read:

Section 4301. Police Pension Fund; Direction of.—Cities shall establish, by ordinance, a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually four per centum of the pay of such member and an additional amount not to exceed one per centum of the pay of such member to be paid by such member or the municipal corporation to provide sufficient funds for payments required by subsection (d) of section 4303 to surviving spouses *even if they remarry*, or if no spouse survives or if such person survives and subsequently dies [or remarries], then to the child or children under the age of eighteen years, of members of the police force or of members retired on pension or who die in service; which fund shall at all times be under the direction and control of council but may be committed to the custody and management of such officers of the city or citizens thereof, or corporations located therein, as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, surviving spouses *even if they remarry*, or if no spouse survives or if such person survives and subsequently dies [or remarries], then to the child or children under the age of eighteen years, of members of the police force or of members retired on pension; but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale, together with service increments as hereinafter provided. Any compensation paid to a corporate custodian of the police pension fund shall be paid from the general fund of the city.

Section 4303. Allowances and Service Increments.—* * *

(c) The spouse of a member of the police force or a member who retires on pension who dies or if no spouse survives or if such person survives and subsequently dies or remarries, then the child or children under the age of

eighteen years of a member of the police force or a member who retires on pension who dies on or after the effective date of this amendment, shall, **[during his lifetime or so long as such person does not remarry in the case of a surviving spouse]** *during the lifetime of the surviving spouse, even if the surviving spouse remarries*, or until reaching the age of eighteen years in the case of a child or children, be entitled to receive a pension calculated at the rate of fifty per centum of the pension the member was receiving or would have been receiving had he been retired at the time of his death and may receive the pension the member was receiving or would have been receiving had he been retired at the time of his death.

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

APPROVED—The 12th day of December, A.D. 1994.

ROBERT P. CASEY