

No. 111

AN ACT

HB 482

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," changing the maximum charge for pensions against each member of the police force, the amount of pensions payable to widows and children of members of the police force, the amount payable to organizations constituting or having in charge the distribution of police pension funds and further regulating payments from the police pension fund to members' estates.

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

Section 1. Section 4301, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), and amended September 1, 1965 (P. L. 462), is 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 ~~three~~ *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 ~~[if deemed necessary by the council]~~ to provide sufficient funds for payments required by subsection ~~[(c)]~~ *(d)* of section 4303 to widows, or if no widow survives or if she 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 the 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, widows, or if no widow survives or if she 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 ~~[if council so elects]~~; 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 2. Subsection (c) of section 4303 of the act, amended September 1, 1965 (P. L. 462), is amended to read:

Section 4303. Allowances and Service Increments.—

* * *

(c) The widow of a member of the police force or a member who retires on pension who dies or if no widow survives or if she 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 her lifetime or so long as she does not remarry in the case of a widow 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.*

Section 3. Section 4303 of the act, reenacted and amended June 28, 1951 (P. L. 662), is amended by adding at the end thereof, a new subsection to read:

Section 4303. Allowances and Service Increments.—

* * *

(d) Any police officer who has less than ten years of service and who dies or is totally disabled due to injuries or mental incapacities not in line of duty and is unable to perform the duties of a police officer, may be entitled to a pension of twenty-five per centum of his annual compensation. For death or injuries received after ten years of service the compensation may be fifty per centum of his annual compensation.

The disability pension may be payable to the police officer during his lifetime and if he shall die, the pension payment that he was receiving may be continued to be paid to his widow if she survives or if she subsequently dies or remarries, then the child or children under the age of eighteen years of the police officer.

Section 4. Section 4305 of the act, amended June 21, 1957 (P. L. 378), is amended to read:

Section 4305. Payments to Pension Funds by City.—There shall be paid annually to the organization or association, constituting and having in charge the distribution of police pension funds in every city, a sum of money sufficient to meet the requirements of and to maintain such police pension fund which sum in no year shall be less than one-half of one per centum *nor more than three per centum* of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof. *Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient funds for payments to widows of members retired on pension or killed or who die in the service; Provided, however, That the city may annually pay into said fund not less than one-half of one per centum of all city taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.*

Section 5. Section 4308 of the act, added April 30, 1957 (P. L. 65), is amended to read:

Section 4308. Repayment Before Retirement.—If for any cause any member of the police force contributing to the pension fund shall cease to be a member of the force before he becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such member shall be refunded to him in full, without interest. If any such member shall have returned to him the amount contributed, and shall afterward again become a member of the police force, he shall not be entitled to the pension designated until twenty years after his reemployment, unless he shall return to the pension fund the amount withdrawn, in which event the period of twenty years shall be computed from the time the member first became a member of the police force, excluding therefrom any period of time during which the member was not employed by the police force. In the event of the death of a member of the police force not in the line of service before the member becomes entitled to the pension aforesaid *and such member is not survived by a widow or family entitled to payments as hereinbefore provided*, the total amount of contributions paid into the pension fund by the member shall be paid over to his estate.

APPROVED—The 17th day of October, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 111.



Secretary of the Commonwealth.