

No. 1981-102

AN ACT

HB 395

Amending the act of June 24, 1976 (P.L.424, No.101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," extending the act to include volunteer firefighters, ambulance service or rescue squad members, changing the method of payment, making editorial changes and clarifying the effective date of the act.

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

Section 1. The title and the act of June 24, 1976 (P.L.424, No.101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," are amended to read:

AN ACT

Providing for the payment of death benefits to the surviving spouse or children *or parents* of [firemen] *firefighters, ambulance service or rescue squad members* or law enforcement officers killed in the performance of their duties.

Section 1. [A political subdivision shall pay to the surviving spouse, or, if there is no surviving spouse, the minor children, of a fireman or law enforcement officer of the political subdivision killed in the performance of his duties the sum of \$25,000. The benefit shall be payable whether or not the officer was killed within the corporate boundaries of the employing municipality.] *In the event a law enforcement officer, ambulance service or rescue squad member or firefighter is killed in the performance of his duties, such political subdivision within 30 days from the date of death shall submit certification of such death to the Commonwealth. A volunteer firefighter shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from a fire which the fire company or fire department attended including travel from and direct return to a firefighter's home, place of business or other place where he or she shall have been when he or she received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the fire company or fire department or while performing any other duties of such fire company or fire department as authorized by the*

municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act. A volunteer ambulance service or rescue squad member shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from an emergency which the ambulance service or rescue squad attended including travel from and direct return to an ambulance service or rescue squad member's home, place of business or other place where he or she shall have been when he or she received the call or alarm or while participating in drills in which the ambulance service or rescue squad shall have participated or while repairing or doing other work about or on any emergency vehicle or buildings and grounds of the ambulance service or rescue squad upon the authorization of the chief of the ambulance service or rescue squad or other person in charge while answering any emergency calls for any purpose or while riding upon any vehicles which are owned or used by the ambulance service or rescue squad. Upon receipt of such certification, the Commonwealth shall, from moneys payable out of the General Fund, pay to the political subdivision the sum of \$25,000. Within five days of receipt of said sum from the Commonwealth, the political subdivision shall pay such sum as a benefit to the surviving spouse, or if there is no surviving spouse, to the minor children of the firefighter, ambulance service or rescue squad member or law enforcement officer killed in the performance of duty. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such firefighter, ambulance service or rescue squad member or law enforcement officer.

The Commonwealth of Pennsylvania shall pay out of the General Fund to the surviving spouse, or, if there is no surviving spouse, the minor children of a State [policeman] police officer or other law enforcement officer of the Commonwealth killed in the performance of his duties the sum of \$25,000. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such State police officer or other law enforcement officer of the Commonwealth. The benefit shall be payable whether or not the officer was killed within the Commonwealth of Pennsylvania.

[Upon payment of this death benefit by a political subdivision, the political subdivision shall apply to the State Treasurer and be reimbursed for the total amount by the Commonwealth of Pennsylvania. Payments by the Commonwealth or reimbursement to the political subdivisions shall be made out of the General Fund of the Commonwealth of Pennsylvania.]

Section 2. [“Fireman] “Firefighter, ambulance service or rescue squad member or law enforcement officer” means a [fireman,] firefighter, member of a volunteer fire company, member of an ambulance service or rescue squad, peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions), public servant concerned in official detention as defined in 18 Pa.C.S. § 5121 (relating to escape), an officer or employee of a State correctional institution, guards or employees of county jails

and prisons or other law enforcement officer of the Commonwealth of Pennsylvania or of any political subdivision thereof.

Section 3. This act shall take effect immediately and its provisions shall be retroactive to January 1, 1976 *and shall be applicable to the deaths of all firefighters, ambulance service or rescue squad members and law enforcement personnel dying on and after said date as the direct result of injuries sustained in the performance of their duties, regardless of the date when such injuries occurred.*

Section 2. This act shall take effect immediately and the provisions relating to the clarification in the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer" shall be retroactive to January 1, 1976 and shall be applicable to all claims for benefits under this act arising on and after said date.

APPROVED—The 16th day of October, A. D. 1981.

DICK THORNBURGH