

## No. 2005-59

## AN ACT

## HB 875

Amending the act of June 24, 1976 (P.L.424, No.101), entitled, as amended, "An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members killed in the performance of their duties," further providing for death benefit eligibility and for definitions.

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

Section 1. The title of the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, amended April 2, 2002 (P.L.213, No.20), is amended to read:

## AN ACT

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

Section 2. Section 1(a), (d), (e) and (f) of the act, amended April 2, 2002 (P.L.213, No.20), are amended and the section is amended by adding a subsection to read:

Section 1. (a) In the event a law enforcement officer, ambulance service or rescue squad member, firefighter or National Guard member **[is killed in]** *dies as a result of* the performance of his duties, such political subdivision or, in the case of National Guard members, the Adjutant General, within 30 days from the date of death, shall submit certification of such death to the Commonwealth.

*(a.1) A firefighter, ambulance service or rescue squad member, law enforcement officer or National Guard member who suffers a fatal heart attack or stroke while on duty or not later than 24 hours after participating in a physical training exercise or responding to an emergency is presumed to have died as a result of the performance of his duties for purposes of this act.*

\* \* \*

(d) Upon receipt of such certification, the Commonwealth shall, from moneys payable out of the General Fund, pay to the political subdivision the sum of **[\$50,000] \$100,000**, adjusted in accordance with subsection (f) of this section. 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]** *who died as a result of* the performance of *his* 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.

(e) 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 National Guard member, State police officer or other law enforcement officer of the Commonwealth **[killed in] *who died as a result of*** the performance of his duties the sum of **[\$50,000] *\$100,000***, adjusted in accordance with subsection (f) of this section. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such National Guard member, State police officer or other law enforcement officer of the Commonwealth. The benefit shall be payable whether or not the National Guard member or officer **[was killed] *died as a result of the performance of his duty*** within the Commonwealth of Pennsylvania.

(f) On July 1 **[of each fiscal year beginning after January 1, 1995], 2006, and each July 1 thereafter**, the Commonwealth shall adjust the level of the benefit payable immediately before July 1 under subsections (d) and (e) of this section to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the United States Department of Commerce, Bureau of Labor Statistics, occurring in the one-year period ending on January 1 immediately preceding July 1.

\* \* \*

Section 3. Section 2 of the act, amended October 16, 1981 (P.L.295, No.102), is amended to read:

Section 2. "Firefighter, ambulance service or rescue squad member or law enforcement officer" means a firefighter[,]; a member of a volunteer fire company[,]; a member of an ambulance service or rescue squad[,]; a peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions)[,]; a 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 *any* other law enforcement officer of the Commonwealth of Pennsylvania or of any political subdivision thereof.

Section 4. The amendment or addition of section 1(a.1), (d) and (e) of the act shall apply retroactively to include any certificate of death of an eligible firefighter, ambulance service or rescue squad member, law enforcement officer or National Guard member who died as a result of the performance of his or her duties filed on or after December 15, 2003.

Section 5. This act shall take effect as follows:

- (1) The amendment of sections 1(d), (e) and (f) and 2 of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 6th day of October, A.D. 2005.

EDWARD G. RENDELL