

No. 2015-82

AN ACT

SB 1045

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in general provisions, providing for character of discharge.

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

Section 1. Title 51 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 104. Character of discharge.

(a) General rule.—Whenever a particular character of discharge is a prerequisite to eligibility for receiving a benefit provided for in this title, an individual must have received a discharge from service under conditions other than dishonorable. Recipients of a discharge under conditions other than dishonorable include the following:

(1) A recipient of an honorable discharge.

(2) A recipient of a general, under honorable conditions, discharge.

(3) A recipient of a discharge under other than honorable conditions for which the recipient has been determined to be eligible for benefits afforded by the United States Department of Veterans Affairs.

(4) A recipient of a discharge for which benefits are payable under 38 CFR 3.12 (relating to character of discharge).

(b) Exclusions.—A discharge under conditions other than dishonorable does not include:

(1) A dishonorable, bad conduct or undesirable discharge.

(2) A discharge or release because of one of the offenses specified in 38 CFR 3.12(d).

(c) Uncharacterized separations.—A recipient of an uncharacterized discharge or separation shall be evaluated based upon 38 CFR 3.12(k).

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

APPROVED—The 17th day of December, A.D. 2015

TOM WOLF