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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1048 Session of  
2015

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INTRODUCED BY HARKINS, COHEN, KOTIK, MULLERY, READSHAW, HARHAI,  
FARINA, MAHONEY, CONKLIN, WARNER, D. COSTA, MURT, ROZZI,  
GIBBONS, RADER, SABATINA AND D. MILLER, APRIL 27, 2015

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REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 27, 2015

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AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled,  
2 as amended, "An act providing for the payment of the salary,  
3 medical and hospital expenses of members of the State Police  
4 Force, of the enforcement officers and investigators employed  
5 by the Pennsylvania Liquor Control Board, and the parole  
6 agents, enforcement officers and investigators of the  
7 Pennsylvania Board of Probation and Parole, Capitol Police  
8 officers, correction employes employed by the Department of  
9 Corrections whose principal duty is the care, custody and  
10 control of inmates, psychiatric security aides employed by  
11 the Department of Public Welfare and the Department of  
12 Corrections whose principal duty is the care, custody, and  
13 control of the criminally insane, drug enforcement agents of  
14 the Office of Attorney General whose principal duty is the  
15 enforcement of the drug laws of the Commonwealth, special  
16 agents of the Office of Attorney General whose principal duty  
17 is the enforcement of the criminal laws of the Commonwealth,  
18 members of the Delaware River Port Authority Police and of  
19 policemen, firemen and park guards by the Commonwealth of  
20 Pennsylvania, the Delaware River Port Authority, counties,  
21 cities, boroughs, towns and townships, and sheriffs and  
22 deputy sheriffs who are injured or contract certain diseases  
23 in the performance of their duty; and providing that absence  
24 during such injury shall not reduce any usual sick leave  
25 period," extending benefits to certain employees of the  
26 Pennsylvania Game Commission and the Pennsylvania Fish and  
27 Boat Commission; and making editorial changes.

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

30 Section 1. The title and section 1 of the act of June 28,

1 1935 (P.L.477, No.193), referred to as the Enforcement Officer  
2 Disability Benefits Law, amended March 15, 2006 (P.L.55, No.20)  
3 and July 7, 2006 (P.L.614, No.95), are amended to read:

4 AN ACT

5 Providing for the payment of the salary, medical and hospital  
6 expenses of [members of the State Police Force, of the  
7 enforcement officers and investigators employed by the  
8 Pennsylvania Liquor Control Board, and the parole agents,  
9 enforcement officers and investigators of the Pennsylvania  
10 Board of Probation and Parole, Capitol Police officers,  
11 correction employes employed by the Department of Corrections  
12 whose principal duty is the care, custody and control of  
13 inmates, psychiatric security aides employed by the  
14 Department of Public Welfare and the Department of  
15 Corrections whose principal duty is the care, custody, and  
16 control of the criminally insane, drug enforcement agents of  
17 the Office of Attorney General whose principal duty is the  
18 enforcement of the drug laws of the Commonwealth, special  
19 agents of the Office of Attorney General whose principal duty  
20 is the enforcement of the criminal laws of the Commonwealth,  
21 members of the Delaware River Port Authority Police and of  
22 policemen, firemen and park guards by the Commonwealth of  
23 Pennsylvania, the Delaware River Port Authority, counties,  
24 cities, boroughs, towns and townships, and sheriffs and  
25 deputy sheriffs] certain employes of State and local  
26 government who are injured or contract certain diseases in  
27 the performance of their duty; and providing that absence  
28 during such injury shall not reduce any usual sick leave  
29 period.

30 Section 1. (a) Be it enacted, &c., That:

- 1       (1) any member of the State Police Force[, ]i
- 2       (2) any enforcement officer or investigator employed by the  
3 Pennsylvania Liquor Control Board[, and]i
- 4       (3) the parole agents, enforcement officers and  
5 investigators of the Pennsylvania Board of Probation and  
6 Parole[, ]i
- 7       (4) Capitol Police officers[, ]i
- 8       (5) correction employes employed by the Department of  
9 Corrections, whose principal duty is the care, custody and  
10 control of inmates[, ]i
- 11       (6) psychiatric security aides employed by the Department of  
12 Public Welfare and the Department of Corrections, whose  
13 principal duty is the care, custody, and control of the  
14 criminally insane[, ]i
- 15       (7) drug enforcement agents of the Office of Attorney  
16 General whose principal duty is the enforcement of the drug laws  
17 of the Commonwealth[, ]i
- 18       (8) special agents of the Office of Attorney General whose  
19 principal duty is the enforcement of the criminal laws of the  
20 Commonwealth[, ]i
- 21       (9) any member of the Delaware River Port Authority  
22 Police[, ]i
- 23       (10) any policeman, fireman or park guard of any county,  
24 city, borough, town or township[, or]i
- 25       (11) any sheriff or deputy sheriff; or
- 26       (12) any enforcement officer or investigator of the  
27 Pennsylvania Game Commission or the Pennsylvania Fish and Boat  
28 Commission
- 29 who is injured in the performance of his duties including, in  
30 the case of firemen, duty as special fire police, and by reason

1 thereof is temporarily incapacitated from performing his duties,  
2 shall be paid by the Commonwealth of Pennsylvania if [a member  
3 of the State Police Force or an enforcement officer or  
4 investigator employed by the Pennsylvania Liquor Control Board  
5 or the parole agents, enforcement officers and investigators of  
6 the Pennsylvania Board of Probation and Parole, Capitol Police  
7 officers, correction employes employed by the Department of  
8 Corrections, whose principal duty is the care, custody and  
9 control of inmates, psychiatric security aides employed by the  
10 Department of Public Welfare and the Department of Corrections,  
11 whose principal duty is the care, custody, and control of the  
12 criminally insane, drug enforcement agents of the Office of  
13 Attorney General whose principal duty is the enforcement of the  
14 drug laws of the Commonwealth, special agents of the Office of  
15 Attorney General whose principal duty is the enforcement of the  
16 criminal laws of the Commonwealth,] an employe identified under  
17 paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by  
18 the Delaware River Port Authority if a member of the Delaware  
19 River Port Authority Police or by the county, township or  
20 municipality, by which he is employed, his full rate of salary,  
21 as fixed by ordinance or resolution, until the disability  
22 arising therefrom has ceased. All medical and hospital bills,  
23 incurred in connection with any such injury, shall be paid by  
24 the Commonwealth of Pennsylvania or by the Delaware River Port  
25 Authority or by such county, township or municipality. During  
26 the time salary for temporary incapacity shall be paid by the  
27 Commonwealth of Pennsylvania or by the Delaware River Port  
28 Authority or by the county, city, borough, town or township, any  
29 workmen's compensation, received or collected by any such  
30 employe for such period, shall be turned over to the

1 Commonwealth of Pennsylvania or to the Delaware River Port  
2 Authority or to such county, city, borough, town or township,  
3 and paid into the treasury thereof, and if such payment shall  
4 not be so made by the employe the amount so due the Commonwealth  
5 of Pennsylvania, the Delaware River Port Authority or the  
6 county, city, borough, town or township shall be deducted from  
7 any salary then or thereafter becoming due and owing.

8 (b) In the case of:

9 (1) the State Police Force[, ]i

10 (2) enforcement officers and investigators employed by the  
11 Pennsylvania Liquor Control Board [and]i

12 (3) the parole agents, enforcement officers and  
13 investigators of the Pennsylvania Board of Probation and  
14 Parole[, ]i

15 (4) Capitol Police officers[, ]i

16 (5) correction employes employed by the Department of  
17 Corrections, whose principal duty is the care, custody and  
18 control of inmates[, ]i

19 (6) psychiatric security aides employed by the Department of  
20 Public Welfare and the Department of Corrections whose principal  
21 duty is the care, custody, and control of the criminally  
22 insane[, ]i

23 (7) drug enforcement agents of the Office of Attorney  
24 General whose principal duty is the enforcement of the drug laws  
25 of the Commonwealth[, ]i

26 (8) special agents of the Office of Attorney General whose  
27 principal duty is the enforcement of the criminal laws of the  
28 Commonwealth[, ]i

29 (9) members of the Delaware River Port Authority Police[, ]i

30 (10) salaried policemen and firemen[, and]i

1     (11) sheriffs and deputy sheriffs; and  
2     (12) enforcement officers and investigators of the  
3     Pennsylvania Game Commission and the Pennsylvania Fish and Boat  
4     Commission

5 who have served for four consecutive years or longer, diseases  
6 of the heart and tuberculosis of the respiratory system,  
7 contracted or incurred by any of them after four years of  
8 continuous service as such, and caused by extreme overexertion  
9 in times of stress or danger or by exposure to heat, smoke,  
10 fumes or gases, arising directly out of the employment [of any  
11 such member of the State Police Force, enforcement officer,  
12 investigator employed by the Pennsylvania Liquor Control Board,  
13 guard or enforcement officer employed by the Department of  
14 Corrections or parole agent, enforcement officer or investigator  
15 of the Pennsylvania Board of Probation and Parole, Capitol  
16 Police officers, correction employes employed by the Department  
17 of Corrections whose principal duty is the care, custody and  
18 control of inmates, psychiatric security aides employed by the  
19 Department of Public Welfare and the Department of Corrections  
20 whose principal duty is the care, custody, and control of the  
21 criminally insane, drug enforcement agents of the Office of  
22 Attorney General whose principal duty is the enforcement of the  
23 drug laws of the Commonwealth, special agents of the Office of  
24 Attorney General whose principal duty is the enforcement of the  
25 criminal laws of the Commonwealth, member of the Delaware River  
26 Port Authority Police, policeman or fireman, or sheriff or  
27 deputy sheriff] shall be compensable in accordance with the  
28 terms hereof; and unless any such disability shall be  
29 compensable under the compensation laws as having been caused by  
30 accidental injury, such disability shall be compensable as

1 occupational disease disabilities are presently compensable  
2 under the compensation laws of this Commonwealth. It shall be  
3 presumed that tuberculosis of the respiratory system contracted  
4 or incurred after four consecutive years of service was  
5 contracted or incurred as a direct result of employment.

6 (c) In the case of any person receiving benefits pursuant to  
7 this act, the statutes of limitations set forth in sections  
8 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736,  
9 No.338), known as the "Workers' Compensation Act," shall not  
10 begin to run until the expiration of the receipt of benefits  
11 pursuant to this act.

12 (d) (1) All payments herein required to be made by the  
13 Commonwealth of Pennsylvania on account of any member of the  
14 State Police Force shall be made from moneys appropriated to the  
15 Pennsylvania State Police[, and any].

16 (2) Any payments required to be made on account of any  
17 enforcement officer or investigator employed by the Pennsylvania  
18 Liquor Control Board shall be from appropriations out of the  
19 State Stores Fund[, any].

20 (3) Any payments required to be made on account of any  
21 parole agent, enforcement officer or investigator employed by  
22 the Pennsylvania Board of Probation and Parole shall be from  
23 moneys appropriated to the Pennsylvania Board of Probation and  
24 Parole[, any].

25 (4) Any payments required to be made on account of Capitol  
26 Police officers shall be made from moneys appropriated to the  
27 Department of General Services[, any].

28 (5) Any payments required to be made on account of any  
29 correction employe shall be made from moneys appropriated to the  
30 Department of Corrections[, any].

1       (6) Any payments required to be made on account of any  
2 psychiatric security aides shall be made from moneys  
3 appropriated to the Department of Public Welfare or the  
4 Department of Corrections where appropriate[, and any].

5       (7) Any payments required to be made on account of any drug  
6 enforcement agent or special agents shall be made from moneys  
7 appropriated to the Office of Attorney General.

8       (8) Any payments required to be made on account of any  
9 enforcement officers or investigators of the Pennsylvania Game  
10 Commission shall be made from moneys appropriated to the  
11 Pennsylvania Game Commission.

12       (9) Any payments required to be made on account of any  
13 enforcement officers or investigators of the Pennsylvania Fish  
14 and Boat Commission shall be made from moneys appropriated to  
15 the Pennsylvania Fish and Boat Commission.

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