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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1098 Session of  
2023

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INTRODUCED BY RIGBY, JAMES, STAATS, CAUSER, ZIMMERMAN, OTTEN AND  
O'MARA, MAY 3, 2023

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MAY 3, 2023

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AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled  
2 "An act providing for the payment of death benefits to the  
3 surviving spouse or children or parents of firefighters,  
4 ambulance service or rescue squad members, law enforcement  
5 officers or National Guard members who die as a result of the  
6 performance of their duties," further providing for title of  
7 act; and adding provisions relating to telecommunicators.

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

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

13 AN ACT

14 Providing for the payment of death benefits to the surviving  
15 spouse or children or parents of firefighters, ambulance  
16 service or rescue squad members, law enforcement officers,  
17 telecommunicators or National Guard members who die as a  
18 result of the performance of their duties.

19 Section 2. Section 1(a), (a.1) and (d) of the act are  
20 amended and the section is amended by adding a subsection to

1 read:

2 Section 1. (a) In the event a law enforcement officer,  
3 telecommunicator, ambulance service or rescue squad member,  
4 firefighter, certified hazardous material response team member,  
5 member of the Pennsylvania Civil Air Patrol or National Guard  
6 member dies as a result of the performance of his duties, an  
7 application, including a certification of death, shall be made  
8 to the department within three years of the date of such death  
9 by any of the following:

10 (1) A political subdivision.

11 (2) A Commonwealth agency.

12 (3) In the case of National Guard members, the Adjutant  
13 General.

14 (4) In the case of a member of a Commonwealth law  
15 enforcement agency, the agency head.

16 (5) In the case of a campus police officer, the university  
17 or college president.

18 (6) Any survivor eligible for payment of benefits under this  
19 act or individual authorized to act on the survivor's behalf.

20 (7) In the case of the Pennsylvania Civil Air Patrol, the  
21 State Commander.

22 (a.1) A firefighter, ambulance service or rescue squad  
23 member, law enforcement officer, telecommunicator, certified  
24 hazardous material response team member, member of the  
25 Pennsylvania Civil Air Patrol or National Guard member who  
26 suffers a fatal heart attack or stroke while on duty or not  
27 later than 24 hours after participating in a physical training  
28 exercise or responding to an emergency is presumed to have died  
29 as a result of the performance of his duties for purposes of  
30 this act.

1 \* \* \*

2 (d) Upon receipt of such certification, the Commonwealth  
3 shall, from moneys payable out of the General Fund, pay to the  
4 surviving spouse or, if there is no surviving spouse, to the  
5 minor children of the paid firefighter, ambulance service or  
6 rescue squad member [or], law enforcement officer or  
7 telecommunicator who died as a result of the performance of his  
8 duty the sum of \$100,000, adjusted in accordance with subsection  
9 (f) of this section and an amount equal to the monthly salary,  
10 adjusted in accordance with subsection (f) of this section, of  
11 the deceased paid firefighter, ambulance service or rescue squad  
12 member [or], law enforcement officer or telecommunicator, less  
13 any workers' compensation or pension or retirement benefits paid  
14 to such survivors, and shall continue such monthly payments  
15 until there is no eligible beneficiary to receive them. For the  
16 purpose of this subsection, the term "eligible beneficiary"  
17 means the surviving spouse or the child or children under the  
18 age of eighteen years or, if attending college, under the age of  
19 twenty-three years, of the firefighter, ambulance service or  
20 rescue squad member [or], law enforcement officer or  
21 telecommunicator who died as a result of the performance of his  
22 duty. When no spouse or minor children survive, a single sum of  
23 \$100,000, adjusted in accordance with subsection (f) of this  
24 section, shall be paid to the parent or parents of such  
25 firefighter, ambulance service member, rescue squad member [or],  
26 law enforcement officer or telecommunicator.

27 \* \* \*

28 (h) A telecommunicator shall be deemed to be acting in the  
29 performance of his duties for the purposes of this act when  
30 acting in accordance with 35 Pa.C.S. Ch. 53 (relating to 911

1 emergency communication services).

2 Section 3. Sections 2 and 2.1 of the act are amended to  
3 read:

4 Section 2. The following words and phrases when used in this  
5 act shall have the meanings given to them in this section unless  
6 the context clearly indicates otherwise:

7 "Certified hazardous material response team member" means a  
8 person who is part of a group of individuals who are certified  
9 and organized by a Commonwealth agency, a local agency or a  
10 regional hazardous material organization for the primary purpose  
11 of providing emergency response services which is dispatched by  
12 a public safety answering point to mitigate actual or potential  
13 immediate threats to public health and the environment in  
14 response to the release or threat of a release of a hazardous  
15 material, which is certified, trained and equipped in accordance  
16 with the act of December 7, 1990 (P.L.639, No.165), known as the  
17 Hazardous Material Emergency Planning and Response Act.

18 Hazardous material response team members who are dispatched by a  
19 public safety answering point may also be certified to perform  
20 stabilization actions needed to remove threats to public health  
21 and the environment from hazardous material releases. A member  
22 of a for-profit hazardous material response team that was not  
23 dispatched by a public safety answering point, is acting as an  
24 agent on behalf of the spiller or responsible party or is  
25 responsible for post-emergency or nonemergency response  
26 hazardous materials/hazardous waste clean-up activities is not  
27 eligible for compensation that is provided for under this act.

28 "Department" means the Department of General Services of the  
29 Commonwealth.

30 "Firefighter, ambulance service or rescue squad member or law

1 enforcement officer" means a firefighter; a member of a  
2 volunteer fire company; a member of an ambulance service or  
3 rescue squad; a peace officer as defined in 18 Pa.C.S. § 501  
4 (relating to definitions); a public servant concerned in  
5 official detention as defined in 18 Pa.C.S. § 5121 (relating to  
6 escape); an officer or employee of a State correctional  
7 institution; guards or employees of county jails and prisons; or  
8 any other law enforcement officer employed by the Commonwealth  
9 or a political subdivision.

10 "Public safety answering point" means the Pennsylvania  
11 Emergency Management Agency-approved first point at which calls  
12 for emergency assistance from individuals are answered, operated  
13 24 hours a day.

14 "Telecommunicator" means an individual employed by a public  
15 safety answering point as defined in 35 Pa.C.S. § 5302 (relating  
16 to definitions), whose primary responsibility is to receive,  
17 process, transmit or dispatch emergency and nonemergency calls  
18 for service for emergency medical, fire and rescue, law  
19 enforcement or other public safety services via telephone, radio  
20 or other communication device. The term includes call takers,  
21 emergency dispatchers and supervisors.

22 Section 2.1. This act shall be broadly construed to grant  
23 benefits to firefighters, ambulance service or rescue squad  
24 members, law enforcement officers [or], telecommunicators or  
25 National Guard personnel for deaths related to the performance  
26 of their duties.

27 Section 4. This act shall take effect in 60 days.