

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 358 Session of 2023

INTRODUCED BY R. MACKENZIE, M. BROWN, CONKLIN, GILLEN, HAMM, M. MACKENZIE, NEILSON, ROWE, SIEGEL, ZIMMERMAN, BARTON AND TAKAC, MARCH 14, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 29, 2023

AN ACT

1 ~~Providing for Keystone First Responder Award.~~ <--
2 AMENDING TITLE 35 (HEALTH AND SAFETY) OF THE PENNSYLVANIA <--
3 CONSOLIDATED STATUTES, PROVIDING FOR AWARDS TO FIRST
4 RESPONDERS.

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

7 ~~Section 1. Short title.~~ <--

8 ~~This act shall be known and may be cited as the Keystone~~
9 ~~First Responder Award Act.~~

10 ~~Section 2. Award.~~

11 ~~(a) Award. The award shall consist of a plaque and a medal.~~

12 ~~(b) Presentation. The Governor or the Governor's designee~~
13 ~~shall present a Keystone First Responder Award to each recipient~~
14 ~~or surviving next of kin during a public ceremony held on, or as~~
15 ~~near as practicable to, September 11 of each year.~~

16 ~~(c) Committee. The Keystone First Responder Award shall be~~
17 ~~administered by a committee, which shall consist of:~~

18 ~~(1) The State Fire Commissioner.~~

1 ~~(2) The Director of the Pennsylvania Emergency~~
2 ~~Management Agency.~~

3 ~~(3) The Director of the Bureau of Emergency Medical~~
4 ~~Services within the Department of Health.~~

5 ~~(4) The Secretary of General Services.~~

6 ~~(5) The Commissioner of Pennsylvania State Police.~~

7 ~~(6) The President of the Pennsylvania Chiefs of Police~~
8 ~~Association.~~

9 ~~(d) Choice of recipients. The Governor shall choose, in~~
10 ~~consultation with the committee, the recipients of the Keystone~~
11 ~~First Responder Award for each year.~~

12 ~~Section 3. First responder recipient.~~

13 ~~(a) Recipient. A Keystone First Responder Award shall be~~
14 ~~awarded to:~~

15 ~~(1) a first responder who suffers a career ending injury~~
16 ~~in the line of duty;~~

17 ~~(2) the surviving next of kin of a first responder who~~
18 ~~is killed or sustains a fatal injury in the line of duty;~~

19 ~~(3) a Federal first responder or special agent who~~
20 ~~suffers a career ending injury in the line of duty assisting~~
21 ~~a State or local law enforcement agency in this Commonwealth;~~
22 ~~or~~

23 ~~(4) the surviving next of kin of a Federal first~~
24 ~~responder or special agent who sustains a fatal injury while~~
25 ~~assisting a State or local law enforcement agency in this~~
26 ~~Commonwealth.~~

27 ~~(b) Submission of information to committee. Any individual~~
28 ~~who has personal knowledge of a first responder who was killed~~
29 ~~or suffered a career ending injury in the line of duty, or a~~
30 ~~Federal first responder or special agent who was killed or~~

1 ~~suffered a career ending injury assisting a State or local law~~
2 ~~enforcement agency in this Commonwealth, may submit that~~
3 ~~information in writing to the committee.~~

4 ~~(c) Rules and guidelines. The committee shall establish~~
5 ~~rules and guidelines for its operations, for the execution of~~
6 ~~this act and for the submission of information under subsection~~
7 ~~(b).~~

8 ~~(d) Eligibility. In order for a first responder to be~~
9 ~~eligible for the award under this act, a first responder must~~
10 ~~have been killed or suffered a career ending injury while~~
11 ~~actively responding to an emergency. The committee shall~~
12 ~~determine whether or not a submission under subsection (b) is~~
13 ~~eligible for consideration.~~

14 ~~(e) Construction. Nothing in this act shall be construed to~~
15 ~~have any bearing on:~~

16 ~~(1) the act of June 2, 1915 (P.L.736, No.338), known as~~
17 ~~the Workers' Compensation Act;~~

18 ~~(2) the act of June 28, 1935 (P.L.477, No.193), referred~~
19 ~~to as the Enforcement Officer Disability Benefits Law;~~

20 ~~(3) the act of June 24, 1976 (P.L.424, No.101), referred~~
21 ~~to as the Emergency and Law Enforcement Personnel Death~~
22 ~~Benefits Act; or~~

23 ~~(4) any other determination of benefits.~~

24 ~~(f) Purpose of award. The Keystone First Responder Award~~
25 ~~shall only be for recognition purposes.~~

26 ~~(g) Definitions. As used in this section, the following~~
27 ~~words and phrases shall have the meanings given to them in this~~
28 ~~subsection unless the context clearly indicates otherwise:~~

29 ~~"First responder." Any of the following:~~

30 ~~(1) A current or former member of an emergency medical~~

1 ~~services agency, fire company or rescue company.~~

2 ~~(2) A peace officer.~~

3 ~~(3) A 911 dispatcher.~~

4 ~~(4) A coroner or medical examiner who responds in an~~
5 ~~official capacity to an emergency.~~

6 ~~(5) A corrections officer.~~

7 ~~"Peace officer." As defined in 18 Pa.C.S. § 501 (relating to~~
8 ~~definitions).~~

9 ~~Section 4. Effective date.~~

10 ~~This act shall take effect in 60 days.~~

11 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED
12 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

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13 CHAPTER 79C

14 EMERGENCY RESPONDER DECORATIONS, MEDALS AND AWARDS

15 SUBCHAPTER

16 A. PRELIMINARY PROVISIONS (RESERVED)

17 B. KEYSTONE FIRST RESPONDER AWARD

18 SUBCHAPTER A

19 PRELIMINARY PROVISIONS

20 (RESERVED)

21 SUBCHAPTER B

22 KEYSTONE FIRST RESPONDER AWARD

23 SEC.

24 79C11. DEFINITIONS.

25 79C12. KEYSTONE FIRST RESPONDER AWARD.

26 79C13. RECIPIENTS.

27 § 79C11. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "AWARD." THE KEYSTONE FIRST RESPONDER AWARD AWARDED UNDER
2 THIS SUBCHAPTER.

3 "EMERGENCY MEDICAL SERVICES PROVIDER." AS DEFINED IN SECTION
4 8103 (RELATING TO DEFINITIONS).

5 "FIRST RESPONDER." ANY OF THE FOLLOWING:

6 (1) AN EMERGENCY MEDICAL SERVICES PROVIDER, FIREFIGHTER
7 OR MEMBER OF A RESCUE COMPANY.

8 (2) A PEACE OFFICER.

9 (3) A 911 DISPATCHER.

10 (4) A CORONER OR MEDICAL EXAMINER WHO RESPONDS IN AN
11 OFFICIAL CAPACITY TO AN EMERGENCY.

12 (5) A CORRECTIONS OFFICER.

13 (6) A FEDERAL LAW ENFORCEMENT OFFICER.

14 (7) A COUNTY OR LOCAL EMERGENCY MANAGEMENT COORDINATOR.

15 "IN THE LINE OF DUTY." THE TERM INCLUDES THE TIME SPENT AT
16 THE SCENE OF AND TRAVEL TO AND FROM A BONA FIDE EMERGENCY OR, IN
17 THE CASE OF A 911 DISPATCHER, SUFFERING A FATAL HEART ATTACK OR
18 STROKE WHILE ON DUTY OR NOT LATER THAN 24 HOURS AFTER
19 PARTICIPATING IN ANY JOB REQUIRED TRAINING OR EXERCISE OR
20 PERFORMING DISPATCHING DUTIES IN RESPONSE TO A 911 EMERGENCY
21 CALL IS PRESUMED TO HAVE DIED AS A RESULT OF THE PERFORMANCE OF
22 HIS DUTIES FOR PURPOSES OF THIS ACT.

23 "PEACE OFFICER." AS DEFINED IN 18 PA.C.S. § 501 (RELATING TO
24 DEFINITIONS).

25 § 79C12. KEYSTONE FIRST RESPONDER AWARD.

26 (A) COMPOSITION.--THE AWARD SHALL CONSIST OF A PLAQUE AND A
27 MEDAL.

28 (B) PRESENTATION.--THE GOVERNOR OR THE GOVERNOR'S DESIGNEE
29 SHALL PRESENT AN AWARD TO A FIRST RESPONDER APPROVED BY THE
30 COMMITTEE OR SURVIVING NEXT OF KIN DURING A PUBLIC CEREMONY HELD

1 ON, OR AS NEAR AS PRACTICABLE TO, SEPTEMBER 27 OF EACH YEAR.

2 (C) COMMITTEE.--THE AWARD SHALL BE ADMINISTERED BY A

3 COMMITTEE IN ACCORDANCE WITH THE FOLLOWING:

4 (1) THE COMMITTEE SHALL CONSIST OF:

5 (I) THE STATE FIRE COMMISSIONER.

6 (II) THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY
7 MANAGEMENT AGENCY.

8 (III) THE DIRECTOR OF THE BUREAU OF EMERGENCY
9 MEDICAL SERVICES WITHIN THE DEPARTMENT OF HEALTH.

10 (IV) THE SECRETARY OF GENERAL SERVICES.

11 (V) THE COMMISSIONER OF PENNSYLVANIA STATE POLICE.

12 (VI) THE PENNSYLVANIA STATE LODGE OF THE FRATERNAL
13 ORDER OF POLICE.

14 (VII) THE PRESIDENT OF THE PENNSYLVANIA CHIEFS OF
15 POLICE ASSOCIATION.

16 (VIII) THE DIRECTOR OF THE PENNSYLVANIA NATIONAL
17 EMERGENCY NUMBER ASSOCIATION.

18 (IX) THE DIRECTOR OF THE PENNSYLVANIA STATE CORONERS
19 ASSOCIATION.

20 (X) THE PRESIDENT OF THE PENNSYLVANIA STATE
21 CORRECTIONS OFFICERS ASSOCIATION.

22 (2) THE COMMITTEE SHALL CHOOSE A CHAIRPERSON FROM ITS
23 MEMBERS.

24 (3) THE COMMITTEE SHALL DEVELOP CRITERIA FOR THE AWARD
25 IN ACCORDANCE WITH THIS SUBCHAPTER. THE COMMITTEE SHALL
26 CONSIDER THE RECEIPT OF ANY BENEFITS FROM A FEDERAL OR STATE
27 PROGRAM AS EVIDENCE OF QUALIFICATION TO RECEIVE AN AWARD.

28 (D) CHOICE OF RECIPIENTS.--THE COMMITTEE SHALL PROVIDE A
29 LIST OF POTENTIAL RECIPIENTS, AND THE GOVERNOR SHALL CHOOSE THE
30 RECIPIENTS OF THE AWARD FOR EACH YEAR.

1 § 79C13. RECIPIENTS.

2 (A) RECIPIENT.--AN AWARD MAY BE AWARDED TO ANY OF THE
3 FOLLOWING:

4 (1) A FIRST RESPONDER WHO SUFFERS A CAREER-ENDING INJURY
5 IN THE LINE OF DUTY.

6 (2) THE SURVIVING NEXT OF KIN OF A FIRST RESPONDER WHO
7 IS KILLED OR SUSTAINS A FATAL INJURY IN THE LINE OF DUTY.

8 (3) A FEDERAL LAW ENFORCEMENT OFFICER WHO SUFFERS A
9 CAREER-ENDING INJURY IN THE LINE OF DUTY ASSISTING A STATE OR
10 LOCAL LAW ENFORCEMENT AGENCY IN THIS COMMONWEALTH.

11 (4) THE SURVIVING NEXT OF KIN OF A FEDERAL LAW
12 ENFORCEMENT OFFICER WHO SUSTAINS A FATAL INJURY WHILE
13 ASSISTING A STATE OR LOCAL LAW ENFORCEMENT AGENCY IN THIS
14 COMMONWEALTH.

15 (B) SUBMISSION OF INFORMATION TO COMMITTEE.--THE HEAD OR
16 EXECUTIVE OFFICER OF AN ENTITY OR AGENCY THAT A FIRST RESPONDER
17 WAS A MEMBER OR EMPLOYEE OF MAY SUBMIT TO THE COMMITTEE IN
18 WRITING THE NAME AND A DESCRIPTION OF AN INDIVIDUAL UNDER THE
19 FOLLOWING CATEGORIES:

20 (1) A FIRST RESPONDER WHO WAS KILLED OR SUFFERED A
21 CAREER-ENDING INJURY IN THE LINE OF DUTY.

22 (2) A FEDERAL LAW ENFORCEMENT OFFICER WHO WAS KILLED OR
23 SUFFERED A CAREER-ENDING INJURY ASSISTING A STATE OR LOCAL
24 LAW ENFORCEMENT AGENCY IN THIS COMMONWEALTH.

25 (C) RULES AND GUIDELINES.--

26 (1) THE COMMITTEE SHALL ESTABLISH RULES AND GUIDELINES
27 FOR ITS OPERATIONS, FOR THE EXECUTION OF THIS SUBCHAPTER AND
28 FOR THE SUBMISSION OF INFORMATION AND CRITERIA FOR
29 ELIGIBILITY UNDER SUBSECTION (B).

30 (2) THE COMMITTEE SHALL ISSUE A RULE FOR AWARDS ISSUED

1 IN 2024 THAT PERMITS THE CONSIDERATION OF FIRST RESPONDERS OR
2 FEDERAL LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (A) WHO
3 WERE INJURED OR KILLED IN THE LINE OF DUTY ON OR SUBSEQUENT
4 TO THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

5 (D) CONSTRUCTION.--

6 (1) NOTHING UNDER THIS SUBCHAPTER SHALL BE CONSTRUED TO
7 APPLY TO:

8 (I) THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN
9 AS THE WORKERS' COMPENSATION ACT.

10 (II) THE ACT OF JUNE 28, 1935 (P.L.477, NO.193),
11 REFERRED TO AS THE ENFORCEMENT OFFICER DISABILITY
12 BENEFITS LAW.

13 (III) THE ACT OF JUNE 24, 1976 (P.L.424, NO.101),
14 REFERRED TO AS THE EMERGENCY AND LAW ENFORCEMENT
15 PERSONNEL DEATH BENEFITS ACT.

16 (IV) ANY OTHER DETERMINATION OF BENEFITS.

17 (2) RECEIPT OF ANY BENEFIT FROM A STATUTE LISTED IN
18 PARAGRAPH (1) MAY BE USED BY THE COMMITTEE FOR THE PURPOSES
19 OF SECTION 79C12(C) (3) (RELATING TO KEYSTONE FIRST RESPONDER
20 AWARD).

21 (E) PURPOSE OF AWARD.--THE AWARD SHALL ONLY BE FOR
22 RECOGNITION PURPOSES.

23 (F) FIRST AWARDS.--AWARDS ISSUED UNDER THIS CHAPTER SHALL BE
24 ISSUED NO SOONER THAN JANUARY 1, 2024.

25 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.