
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 931 Session of
2003

INTRODUCED BY PILEGGI, RAFFERTY, ERICKSON, THOMPSON, KUKOVICH,
STOUT, CORMAN, HUGHES, RHOADES, BOSCOLA, LEMMOND, LAVALLE,
ORIE, LOGAN, MUSTO, COSTA, PICCOLA, M. WHITE, GREENLEAF,
MELLOW, KASUNIC, STACK, PUNT, WAUGH AND PIPPY,
OCTOBER 8, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 16, 2004

AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),
2 entitled "An act providing for a waiver of tuition and other
3 fees for children of certain deceased police officers,
4 National Guard members, firefighters and correction employees
5 at community colleges and State-owned and State-related
6 institutions of higher education and for additional powers
7 and duties of the Pennsylvania Higher Education Assistance
8 Agency and the Department of General Services," extending the
9 Postsecondary Educational Gratuity Program to certain
10 children of sheriffs and deputy sheriffs; AND FURTHER ←
11 PROVIDING FOR NATIONAL GUARD ELIGIBILITY.

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

14 Section 1. Section 3(a), (b) and (d) of the act of December
15 16, 1998 (P.L.980, No.129), known as the Police Officer,
16 Firefighter, Correction Employee and National Guard Member Child
17 Beneficiary Education Act, are amended to read:

18 Section 3. Postsecondary Educational Gratuity Program.

19 (a) Establishment.--There is hereby established the

1 Postsecondary Educational Gratuity Program for children of
2 police officers, firefighters, correction employees, sheriffs,
3 deputy sheriffs and National Guard members AND CERTAIN OTHER ←
4 INDIVIDUALS WHO ARE ON FEDERAL OR STATE ACTIVE MILITARY DUTY WHO
5 ARE RESIDENTS of this Commonwealth who are killed while acting
6 in the performance of their duties.

7 (b) Eligibility.--

8 (1) Police officers shall be deemed to have been killed
9 in the performance of their duties if death results from job-
10 related injuries sustained or inflicted while performing any
11 of the following:

12 (i) Answering an emergency call.

13 (ii) Conducting interrogations of crime suspects or
14 interrogations pursuant to a response to an emergency
15 call.

16 (iii) Conducting vehicle stops for traffic
17 violations.

18 (iv) Actively responding to requests for assistance
19 from the public.

20 (v) Maintaining order and security at the scene of
21 an emergency.

22 (2) Firefighters shall be deemed to have been killed in
23 the performance of their duties if death results from job-
24 related injuries sustained or inflicted while performing any
25 of the following:

26 (i) Being present at the scene of a fire or going to
27 and from a fire. In the case of volunteer firefighters,
28 going to and from a fire shall include traveling from and
29 directly returning to the firefighter's home, place of
30 business or other location where the firefighter was when

1 the fire call or alarm was received for a fire which the
2 firefighter's volunteer fire company attended.

3 (ii) Answering an emergency call.

4 (iii) Maintaining order and security at the scene of
5 an emergency.

6 (3) A member of the National Guard shall be deemed to
7 have been killed in the performance of his or her duties if
8 his or her death results from performance of a duty required
9 by his or her orders or commander while in an official duty
10 status [other than on Federal active duty] AUTHORIZED UNDER <—
11 FEDERAL OR STATE LAW.

12 (4) Correction employees shall be deemed to have been
13 killed in the performance of their duties if death results
14 from job-related injuries sustained or inflicted while
15 maintaining order and security or otherwise carrying out
16 their duties at a correctional facility.

17 (4.1) Sheriffs and deputy sheriffs shall be deemed to
18 have been killed in the performance of their duties if death
19 results from job-related injuries sustained or inflicted
20 while maintaining order and security or otherwise carrying
21 out their duties as a sheriff or deputy sheriff.

22 (4.2) AN INDIVIDUAL WHO IS ON FEDERAL OR STATE ACTIVE <—
23 MILITARY DUTY WHO IS A RESIDENT OF THIS COMMONWEALTH SHALL BE
24 DEEMED TO HAVE BEEN KILLED IN THE PERFORMANCE OF DUTY IF
25 DEATH RESULTS FROM PERFORMANCE OF A DUTY REQUIRED BY HIS OR
26 HER ORDERS OR COMMANDER WHILE IN AN OFFICIAL DUTY STATUS.

27 (5) Notwithstanding the provisions of this section,
28 deaths which occur as the direct and proximate result of
29 preexisting physical conditions, diseases or illnesses shall
30 be excluded from eligibility under this section.

1 (6) Any child of a police officer, firefighter,
2 correction employee, sheriff, deputy sheriff or National
3 Guard member killed in the performance of his or her duties
4 shall be eligible for an educational gratuity provided the
5 child is 25 years of age or younger at the time of
6 application for participation in this program, meets all
7 admission requirements of the community college or State-
8 owned or State-related institution to which application is
9 made and is enrolled as a full-time student at a community
10 college or a State-owned or State-related institution.

11 (7) A child who is 25 years of age or younger at the
12 time of the child's application for participation in this
13 program and who meets all other eligibility requirements may
14 receive an educational gratuity for up to five years provided
15 the child otherwise continues to be eligible for
16 participation.

17 * * *

18 (d) Administration.--

19 (1) Copies of all police officer and firefighter death
20 certifications received by the Department of General Services
21 under the act of June 24, 1976 (P.L.424, No.101), referred to
22 as the Emergency and Law Enforcement Personnel Death Benefits
23 Act, shall be provided by the Department of General Services
24 to PHEAA within 20 days of their receipt.

25 (2) Written notification of the death of any correction
26 employee killed in the performance of his or her duties shall
27 be submitted to PHEAA by the Secretary of Corrections within
28 20 days of the death of the employee.

29 (2.1) Written notification of the death of any sheriff
30 or deputy sheriff killed in the performance of his or her

1 duties shall be submitted to PHEAA by the county
2 commissioners of the county in which the sheriff was elected
3 or deputy sheriff employed within 20 days of the death of the
4 employee.

5 (3) Written notification of the death of any member of
6 the National Guard OR OTHER INDIVIDUAL WHO IS ON FEDERAL OR ←
7 STATE ACTIVE MILITARY DUTY WHO IS A RESIDENT OF THIS
8 COMMONWEALTH killed in the performance of his or her duties
9 shall be submitted to PHEAA by the Adjutant General of the
10 Department of Military and Veterans Affairs within 20 days of
11 the death of the National Guard member.

12 (4) Applications for an educational gratuity shall be
13 submitted to PHEAA by the child or the surviving parent or
14 guardian of the child, together with a certified copy of the
15 child's birth certificate or adoption record or other
16 documentation of birth or adoption acceptable to PHEAA. The
17 application shall include a copy of the child's letter of
18 acceptance at a community college or a State-owned or State-
19 related institution. If no death certification has been
20 received from the Department of General Services, Secretary
21 of Corrections or Adjutant General of the Department of
22 Military and Veterans Affairs, PHEAA may elect to accept
23 other documentation certifying that the child's parent was a
24 police officer, firefighter, correction employee or National
25 Guard member killed during the performance of his or her
26 duties.

27 (5) Within 30 days of receipt of a completed
28 application, PHEAA shall send written notice to the child and
29 the community college or State-owned or State-related
30 institution of the child's eligibility or noneligibility for

1 participation in this program. If the child is determined not
2 to be eligible for an educational gratuity, the notice shall
3 include the reason or reasons for such determination and an
4 indication that an appeal of PHEAA's determination may be
5 made pursuant to 2 Pa.C.S. (relating to administrative law
6 and procedure).

7 (6) Upon receipt of notification of the child's
8 eligibility from PHEAA, a community college or a State-owned
9 or State-related institution is prohibited from charging the
10 child or the child's parent or guardian any tuition fee or
11 room and board charge. If moneys have been received by the
12 community college or the State-owned or State-related
13 institution for these purposes, those moneys must be refunded
14 in full within 30 days of receipt by the community college or
15 the State-owned or State-related institution of the notice of
16 the child's eligibility.

17 (7) Each community college or State-owned or State-
18 related institution at which an eligible child is enrolled
19 shall notify PHEAA upon the child's graduation or when the
20 child is no longer enrolled at the community college or
21 State-owned or State-related institution.

22 Section 2. This act shall be retroactive to ~~January 1, 2004~~ <—
23 SEPTEMBER 11, 2001. <—

24 Section 3. This act shall take effect immediately.