

SENATE, No. 1202

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Increases accidental death benefit for surviving spouse or surviving children of certain PERS members and retirants; provides accidental death benefit to beneficiary of certain PERS and PFRS members and retirants; redefines child.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT concerning the accidental death benefit for beneficiaries of
2 law enforcement officers, correction officers, and firefighters in
3 the Public Employees' Retirement System and the Police and
4 Firemen's Retirement System, and certain other members and
5 retirants, and amending and supplementing P.L.1954, c.84
6 (C.43:15A-1 et seq.) and P.L.1944, c.255 (C.43:16A-1 et seq.).
7

8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10
11 1. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read
12 as follows:

13 6. As used in this act:

14 a. "Accumulated deductions" means the sum of all the
15 amounts, deducted from the compensation of a member or
16 contributed by or on behalf of the member, standing to the credit of
17 the member's individual account in the annuity savings fund.

18 b. "Annuity" means payments for life derived from the
19 accumulated deductions of a member as provided in this act.

20 c. "Annuity reserve" means the present value of all payments
21 to be made on account of any annuity or benefit in lieu of an
22 annuity, granted under the provisions of this act, computed on the
23 basis of such mortality tables recommended by the actuary as the
24 board of trustees adopts, with regular interest.

25 d. "Beneficiary" means any person receiving a retirement
26 allowance or other benefit as provided in this act.

27 e. "Child" means a deceased member's unmarried child either
28 (1) under the age of 18 or (2) of any age who, at the time of the
29 member's death, is disabled because of an intellectual disability or
30 physical incapacity, is unable to do any substantial, gainful work
31 because of the impairment and the impairment has lasted or can be
32 expected to last for a continuous period of not less than 12 months,
33 as affirmed by the medical board.

34 With respect to a law enforcement officer, correction officer, or
35 firefighter member or retirant who was ineligible for membership in
36 the Police and Firemen's Retirement System, and with respect to an
37 emergency medical technician, paramedic, hazardous materials
38 emergency first responder, and fire instructor member or retirant,
39 "child" means a deceased member's or retirant's unmarried child
40 either (1) under the age of 18, or (2) 18 years of age or older and
41 enrolled in a secondary school, or (3) under the age of 24 and
42 enrolled in a degree program in an institution of higher education
43 for at least 12 credit hours in each semester, provided that the
44 member or retirant died as a result of an accident met in the actual
45 performance of duty at some definite time and place, and the death
46 was not the result of the member's or retirant's willful misconduct,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 or (4) of any age who, at the time of the member's or retirant's
2 death, is disabled because of an intellectual disability or physical
3 incapacity, is unable to do any substantial, gainful work because of
4 the impairment and his or her impairment has lasted or can be
5 expected to last for a continuous period of not less than 12 months,
6 as affirmed by the medical board.

7 f. "Parent" shall mean the parent of a member who was
8 receiving at least **[1/2]** half of the parent's support from the
9 member in the 12-month period immediately preceding the
10 member's death or the accident which was the direct cause of the
11 member's death. The dependency of such a parent will be
12 considered terminated by marriage of the parent subsequent to the
13 death of the member.

14 With respect to a law enforcement officer, correction officer, or
15 firefighter member or retirant who was ineligible for membership in
16 the Police and Firemen's Retirement System, and with respect to an
17 emergency medical technician, paramedic, hazardous materials
18 emergency first responder, and fire instructor member or retirant,
19 "parent" means the parent of a member or retirant who was
20 receiving at least half of the parent's support from the member or
21 retirant in the 12-month period immediately preceding the
22 member's or retirant's death or the accident which was the direct
23 cause of the member's or retirant's death. The dependency of such
24 a parent will be considered terminated by marriage of the parent
25 subsequent to the death of the member or retirant.

26 g. (1) "Widower," for employees of the State, means the man to
27 whom a member was married, or a domestic partner as defined in
28 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
29 the date of her death and to whom she continued to be married or a
30 domestic partner until the date of her death and who was receiving
31 at least **[1/2]** half of his support from the member in the 12-month
32 period immediately preceding the member's death or the accident
33 which was the direct cause of the member's death. The dependency
34 of such a widower will be considered terminated by marriage of, or
35 establishment of a domestic partnership by, the widower subsequent
36 to the death of the member. In the event of the payment of an
37 accidental death benefit, the five-year qualification shall be waived.

38 (2) Subject to the provisions of paragraph (3) of this subsection,
39 "widower," for employees of public employers other than the State,
40 means the man to whom a member was married at least five years
41 before the date of her death and to whom she continued to be
42 married until the date of her death and who was receiving at least
43 **[1/2]** half of his support from the member in the 12-month period
44 immediately preceding the member's death or the accident which
45 was the direct cause of the member's death. The dependency of such
46 a widower shall be considered terminated by marriage of the
47 widower subsequent to the death of the member. In the event of the

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1 payment of an accidental death benefit, the five-year qualification
2 shall be waived.

3 (3) A public employer other than the State may adopt a
4 resolution providing that the term "widower" as defined in
5 paragraph (2) of this subsection shall include domestic partners as
6 provided in paragraph (1) of this subsection.

7 (4) With respect to a law enforcement officer, correction officer,
8 or firefighter member or retirant who was ineligible for membership
9 in the Police and Firemen's Retirement System, and with respect to
10 an emergency medical technician, paramedic, hazardous materials
11 emergency first responder, and fire instructor member or retirant,
12 the provisions of paragraphs (1) through (3) of this subsection shall
13 apply in the case of a member or a retirant.

14 h. (1) "Final compensation" means the average annual
15 compensation for which contributions are made for the three years
16 of creditable service in New Jersey immediately preceding the
17 member's retirement or death, or it shall mean the average annual
18 compensation for New Jersey service for which contributions are
19 made during any three fiscal years of his or her membership
20 providing the largest possible benefit to the member or the
21 member's beneficiary.

22 (2) In the case of a person who becomes a member of the
23 retirement system on or after the effective date of P.L.2010, c.1,
24 "final compensation" means the average annual compensation for
25 which contributions are made for the five years of creditable service
26 in New Jersey immediately preceding the member's retirement or
27 death, or it shall mean the average annual compensation for New
28 Jersey service for which contributions are made during any five
29 fiscal years of his or her membership providing the largest possible
30 benefit to the member or the member's beneficiary.

31 i. "Fiscal year" means any year commencing with July 1 and
32 ending with June 30 next following.

33 j. "Medical board" shall mean the board of physicians
34 provided for in section 17 of P.L.1954, c.84 (C.43:15A-17).

35 k. "Pension" means payments for life derived from
36 appropriations made by the employer as provided in this act.

37 l. "Pension reserve" means the present value of all payments to
38 be made on account of any pension or benefit in lieu of a pension
39 granted under the provisions of this act, computed on the basis of
40 such mortality tables recommended by the actuary as the board of
41 trustees adopts, with regular interest.

42 m. "Public Employees' Retirement System of New Jersey,"
43 hereinafter referred to as the "retirement system" or "system," is the
44 corporate name of the arrangement for the payment of retirement
45 allowances and other benefits under the provisions of this act
46 including the several funds placed under said system. By that name
47 all of its business shall be transacted, its funds invested, warrants

- 1 for money drawn, and payments made and all of its cash and
2 securities and other property held.
- 3 n. "Regular interest" shall mean interest as determined by the
4 State Treasurer, after consultation with the Directors of the
5 Divisions of Investment and Pensions, the board of trustees and the
6 actuary. It shall bear a reasonable relationship to the percentage rate
7 of earnings on investments based on the market value of the assets
8 but shall not exceed the assumed percentage rate of increase applied
9 to salaries plus 3%, provided however that the board of trustees
10 shall not set the average percentage rate of increase applied to
11 salaries below 6%.
- 12 o. "Retirement allowance" means the pension plus the annuity.
- 13 p. "Veteran" means any honorably discharged officer, soldier,
14 sailor, airman, marine or nurse who served in any Army, Air Force
15 or Navy of the Allies of the United States in World War I, between
16 July 14, 1914, and November 11, 1918, or who served in any Army,
17 Air Force or Navy of the Allies of the United States in World War
18 II, between September 1, 1939, and September 2, 1945, and who
19 was inducted into such service through voluntary enlistment, and
20 was a citizen of the United States at the time of such enlistment, and
21 who did not, during or by reason of such service, renounce or lose
22 United States citizenship, and any officer, soldier, sailor, marine,
23 airman, nurse or army field clerk, who has served in the active
24 military or naval service of the United States and has or shall be
25 discharged or released therefrom under conditions other than
26 dishonorable, in any of the following wars, uprisings, insurrections,
27 expeditions, or emergencies, and who has presented to the
28 retirement system evidence of such record of service in form and
29 content satisfactory to said retirement system:
- 30 (1) The Indian wars and uprisings during any of the periods
31 recognized by the War Department of the United States as periods
32 of active hostility;
- 33 (2) The Spanish-American War between April 20, 1898, and
34 April 11, 1899;
- 35 (3) The Philippine insurrections and expeditions during the
36 periods recognized by the War Department of the United States as
37 of active hostility from February 4, 1899, to the end of 1913;
- 38 (4) The Peking relief expedition between June 20, 1900, and
39 May 27, 1902;
- 40 (5) The army of Cuban occupation between July 18, 1898, and
41 May 20, 1902;
- 42 (6) The army of Cuban pacification between October 6, 1906,
43 and April 1, 1909;
- 44 (7) The Mexican punitive expedition between March 14, 1916,
45 and February 7, 1917;
- 46 (8) The Mexican border patrol, having actually participated in
47 engagements against Mexicans between April 12, 1911, and June
48 16, 1919;

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1 (9) World War I, between April 6, 1917, and November 11,
2 1918;

3 (10) World War II, between September 16, 1940, and December
4 31, 1946, who shall have served at least 90 days in such active
5 service, exclusive of any period of assignment (1) for a course of
6 education or training under the Army Specialized Training Program
7 or the Navy College Training Program which course was a
8 continuation of a civilian course and was pursued to completion, or
9 (2) as a cadet or midshipman at one of the service academies any
10 part of which 90 days was served between said dates; provided, that
11 any person receiving an actual service-incurred injury or disability
12 shall be classed as a veteran whether or not that person has
13 completed the 90-day service as herein provided;

14 (11) Korean conflict on or after June 23, 1950, and on or prior to
15 January 31, 1955, who shall have served at least 90 days in such
16 active service, exclusive of any period of assignment (1) for a
17 course of education or training under the Army Specialized
18 Training Program or the Navy College Training Program which
19 course was a continuation of a civilian course and was pursued to
20 completion, or (2) as a cadet or midshipman at one of the service
21 academies, any part of which 90 days was served between said
22 dates; provided, that any person receiving an actual service-incurred
23 injury or disability shall be classed as a veteran whether or not that
24 person has completed the 90-day service as herein provided; and
25 provided further, that any member classed as a veteran pursuant to
26 this paragraph prior to August 1, 1966, shall continue to be classed
27 as a veteran whether or not that person completed the 90-day
28 service between said dates as herein provided;

29 (12) Lebanon crisis, on or after July 1, 1958, who has served in
30 Lebanon or on board any ship actively engaged in patrolling the
31 territorial waters of that nation for a period, continuous or in the
32 aggregate, of at least 14 days commencing on or before November
33 1, 1958 or the date of termination of that conflict, as proclaimed by
34 the President of the United States or Congress, whichever date of
35 termination is the latest, in such active service; provided, that any
36 person receiving an actual service-incurred injury or disability shall
37 be classed as a veteran whether or not that person has completed the
38 14 days' service as herein provided;

39 (13) Vietnam conflict on or after December 31, 1960, and on or
40 prior to May 7, 1975, who shall have served at least 90 days in such
41 active service, exclusive of any period of assignment (1) for a
42 course of education or training under the Army Specialized
43 Training Program or the Navy College Training Program which
44 course was a continuation of a civilian course and was pursued to
45 completion, or (2) as a cadet or midshipman at one of the service
46 academies, any part of which 90 days was served between said
47 dates; and exclusive of any service performed pursuant to the
48 provisions of section 511(d) of Title 10, United States Code,

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1 pursuant to an enlistment in the Army National Guard or as a
2 reserve for service in the Army Reserve, Naval Reserve, Air Force
3 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided,
4 that any person receiving an actual service-incurred injury or
5 disability shall be classed as a veteran whether or not that person
6 has completed the 90 days' service as herein provided;

7 (14) Lebanon peacekeeping mission, on or after September 26,
8 1982, who has served in Lebanon or on board any ship actively
9 engaged in patrolling the territorial waters of that nation for a
10 period, continuous or in the aggregate, of at least 14 days
11 commencing on or before December 1, 1987 or the date of
12 termination of that mission, as proclaimed by the President of the
13 United States or Congress, whichever date of termination is the
14 latest, in such active service; provided, that any person receiving an
15 actual service-incurred injury or disability shall be classed as a
16 veteran whether or not that person has completed the 14 days'
17 service as herein provided;

18 (15) Grenada peacekeeping mission, on or after October 23,
19 1983, who has served in Grenada or on board any ship actively
20 engaged in patrolling the territorial waters of that nation for a
21 period, continuous or in the aggregate, of at least 14 days
22 commencing on or before November 21, 1983 or the date of
23 termination of that mission, as proclaimed by the President of the
24 United States or Congress, whichever date of termination is the
25 latest, in such active service; provided, that any person receiving an
26 actual service-incurred injury or disability shall be classed as a
27 veteran whether or not that person has completed the 14 days'
28 service as herein provided;

29 (16) Panama peacekeeping mission, on or after December 20,
30 1989 or the date of inception of that mission, as proclaimed by the
31 President of the United States or Congress, whichever date of
32 inception is earliest, who has served in Panama or on board any ship
33 actively engaged in patrolling the territorial waters of that nation for
34 a period, continuous or in the aggregate, of at least 14 days
35 commencing on or before January 31, 1990 or the date of
36 termination of that mission, as proclaimed by the President of the
37 United States or Congress, whichever date of termination is the
38 latest, in such active service; provided, that any person receiving an
39 actual service-incurred injury or disability shall be classed as a
40 veteran whether or not that person has completed the 14 days'
41 service as herein provided;

42 (17) Operation "Desert Shield/Desert Storm" mission in the
43 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
44 or the date of inception of that operation, as proclaimed by the
45 President of the United States or Congress, whichever date of
46 inception is earliest, who has served in the Arabian peninsula or on
47 board any ship actively engaged in patrolling the Persian Gulf for a
48 period, continuous or in the aggregate, of at least 14 days

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1 commencing on or before the date of termination of that mission, as
2 proclaimed by the President of the United States or Congress,
3 whichever date of termination is the latest, in such active service;
4 provided, that any person receiving an actual service-incurred injury
5 or disability shall be classed as a veteran whether or not that person
6 has completed the 14 days' service as herein provided;

7 (18) Operation Northern Watch and Operation Southern Watch,
8 on or after August 27, 1992, or the date of inception of that
9 operation, as proclaimed by the President of the United States,
10 Congress or United States Secretary of Defense, whichever date of
11 inception is earliest, who served in the theater of operation,
12 including in the Arabian peninsula and the Persian Gulf, and in
13 direct support of that operation for a period, continuously or in the
14 aggregate, of at least 14 days in such active service, commencing on
15 or before the date of termination of that operation, as proclaimed by
16 the President of the United States, Congress or United States
17 Secretary of Defense, whichever date of termination is the latest;
18 provided, that any person receiving an actual service-incurred injury
19 or disability while engaged in such service shall be classed as a
20 veteran whether or not that person has completed the 14 days'
21 service as herein provided;

22 (19) Operation "Restore Hope" in Somalia, on or after
23 December 5, 1992, or the date of inception of that operation as
24 proclaimed by the President of the United States or Congress,
25 whichever date is earliest, who has served in Somalia or on board
26 any ship actively engaged in patrolling the territorial waters of that
27 nation for a period, continuously or in the aggregate, of at least 14
28 days in such active service commencing on or before March 31,
29 1994; provided that any person receiving an actual service-incurred
30 injury or disability shall be classed as a veteran whether or not that
31 person has completed the 14-day service as herein provided;

32 (20) Operations "Joint Endeavor" and "Joint Guard" in the
33 Republic of Bosnia and Herzegovina, on or after November 20,
34 1995, who served in such active service in direct support of one or
35 both of the operations for at least 14 days, continuously or in the
36 aggregate, commencing on or before June 20, 1998 and (1) was
37 deployed in that nation or in another area in the region, or (2) was
38 on board a United States naval vessel operating in the Adriatic Sea,
39 or (3) operated in airspace above the Republic of Bosnia and
40 Herzegovina; provided that any person receiving an actual service-
41 incurred injury or disability shall be classed as a veteran whether or
42 not that person completed the 14-day service requirement;

43 (21) Operation "Enduring Freedom", on or after September 11,
44 2001, who served in a theater of operation and in direct support of
45 that operation for a period, continuously or in the aggregate, of at
46 least 14 days in such active service commencing on or before the
47 date the President of the United States or the United States
48 Secretary of Defense designates as the termination date of that

1 operation; provided, that any person receiving an actual service-
2 incurred injury or disability while engaged in such service shall be
3 classed as a veteran whether or not that person has completed the 14
4 days' service as herein provided; and

5 (22) Operation "Iraqi Freedom", on or after the date the
6 President of the United States or the United States Secretary of
7 Defense designates as the inception date of that operation, who
8 served in Iraq or in another area in the region in direct support of
9 that operation for a period, continuously or in the aggregate, of at
10 least 14 days in such active service commencing on or before the
11 date the President of the United States or the United States
12 Secretary of Defense designates as the termination date of that
13 operation; provided, that any person receiving an actual service-
14 incurred injury or disability while engaged in such service shall be
15 classed as a veteran whether or not that person has completed the 14
16 days' service as herein provided.

17 "Veteran" also means any honorably discharged member of the
18 American Merchant Marine who served during World War II and is
19 declared by the United States Department of Defense to be eligible
20 for federal veterans' benefits.

21 q. (1) "Widow," for employees of the State, means the woman
22 to whom a member was married, or a domestic partner as defined in
23 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
24 the date of his death and to whom he continued to be married or a
25 domestic partner until the date of his death and who was receiving
26 at least **[1/2]** half of her support from the member in the 12-month
27 period immediately preceding the member's death or the accident
28 which was the direct cause of the member's death. The dependency
29 of such a widow will be considered terminated by the marriage of,
30 or establishment of a domestic partnership by, the widow
31 subsequent to the member's death. In the event of the payment of an
32 accidental death benefit, the five-year qualification shall be waived.

33 (2) Subject to the provisions of paragraph (3) of this subsection,
34 "widow," for employees of public employers other than the State,
35 means the woman to whom a member was married at least five
36 years before the date of his death and to whom he continued to be
37 married until the date of his death and who was receiving at least
38 **[1/2]** half of her support from the member in the 12-month period
39 immediately preceding the member's death or the accident which
40 was the direct cause of the member's death. The dependency of such
41 a widow shall be considered terminated by the marriage of the
42 widow subsequent to the member's death. In the event of the
43 payment of an accidental death benefit, the five-year qualification
44 shall be waived.

45 (3) A public employer other than the State may adopt a
46 resolution providing that the term "widow" as defined in paragraph
47 (2) of this subsection shall include domestic partners as provided in
48 paragraph (1) of this subsection.

1 (4) With respect to a law enforcement officer, correction officer,
2 or firefighter member or retirant who was ineligible for membership
3 in the Police and Firemen's Retirement System, and with respect to
4 an emergency medical technician, paramedic, hazardous materials
5 emergency first responder, and fire instructor member or retirant,
6 the provisions of paragraphs (1) through (3) of this subsection shall
7 apply in the case of a member or a retirant.

8 r. (1) "Compensation" means the base or contractual salary,
9 for services as an employee, which is in accordance with
10 established salary policies of the member's employer for all
11 employees in the same position but shall not include individual
12 salary adjustments which are granted primarily in anticipation of
13 the member's retirement or additional remuneration for performing
14 temporary or extracurricular duties beyond the regular workday or
15 the regular work year.

16 (2) In the case of a person who becomes a member of the
17 retirement system on or after July 1, 2007, "compensation" means
18 the amount of base or contractual salary equivalent to the annual
19 maximum wage contribution base for Social Security, pursuant to
20 the Federal Insurance Contributions Act, for services as an
21 employee, which is in accordance with established salary policies of
22 the member's employer for all employees in the same position but
23 shall not include individual salary adjustments which are granted
24 primarily in anticipation of the member's retirement or additional
25 remuneration for performing temporary or extracurricular duties
26 beyond the regular workday or the regular work year. This
27 paragraph shall not apply to a person who at the time of enrollment
28 in the retirement system on or after July 1, 2007 transfers service
29 credit from another State-administered retirement system pursuant
30 to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a
31 former member of the retirement system who has been granted a
32 retirement allowance and is reenrolled in the retirement system on
33 or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217
34 (C.43:15A-57.2) after becoming employed again in a position that
35 makes the person eligible to be a member of the retirement system.

36 In cases where salary includes maintenance, the retirement
37 system shall fix the value of that part of the salary not paid in
38 money which shall be considered under this act.

39 For the period of July 1, 2009 through June 30, 2011,
40 "contractual salary" for State employees shall include across the
41 board negotiated wage increases under a collective negotiations
42 agreement that were payable to all State employees covered by that
43 agreement notwithstanding that, by amendment to that collective
44 negotiations agreement, the effective date of the contractual
45 increase has been deferred. For the purpose of this paragraph,
46 "State employee" means an employee in the Executive Branch or
47 the Judicial Branch of State government of New Jersey or an
48 employee of the State University authorized to participate in the

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1 system under subsection b. of section 73 of P.L.1954, c.84
2 (C.43:15A-73), but shall not include employees of agencies
3 authorized to participate in the system under subsections a., c., d.,
4 e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or under
5 P.L.1990, c.25 (C.43:15A-73.2 et al.).

6 For the period of July 1, 2009 through June 30, 2011,
7 "contractual salary" for county and municipal employees shall
8 include across the board negotiated wage increases under a
9 collective negotiations agreement that were payable to all county or
10 all municipal employees covered by that agreement notwithstanding
11 that, by amendment to that collective negotiations agreement which
12 has been filed with the Division of Pensions and Benefits, the
13 effective date of the contractual increase has been deferred. For the
14 purpose of this paragraph, "county and municipal employees"
15 means all persons employed by a county or municipality in this
16 State.

17 (cf: P.L.2010, c.50, s.71)

18

19 2. Section 49 of P.L.1954, c.84 (C.43:15A-49) is amended to
20 read as follows:

21 49. a. Upon the death of a member in active service, other than
22 a law enforcement officer, correction officer, or firefighter member
23 who was ineligible for membership in the Police and Firemen's
24 Retirement System, and other than an emergency medical
25 technician, paramedic, hazardous materials emergency first
26 responder, or fire instructor member, as a result of:

27 (1) an accident met in the actual performance of duty at some
28 definite time and place, or

29 (2) service in the reserve component of the Armed Forces of the
30 United States or the National Guard in a federal active duty status,

31 and not as the result of his willful negligence, an accidental death
32 benefit shall be payable, if a report of the accident is filed in the
33 office of the retirement system within 60 days next following the
34 accident, but the board of trustees may waive such time limit, for a
35 reasonable period, if in the judgment of the board the circumstances
36 warrant such action.

37 No such application shall be valid or acted upon unless it is filed
38 in the office of the retirement system within five years of the date of
39 such death.

40 b. Upon the receipt of proper proofs of the death of a member
41 on account of which an accidental death benefit is payable, there
42 shall be paid to his widow or widower a pension of 50% of the
43 compensation, upon which contributions by the member to the
44 annuity savings fund were based in the last year of creditable
45 service, for the use of herself or himself and the children of the
46 deceased member, to continue during her or his widowhood; if there
47 is no surviving widow or widower or in case the widow or widower
48 dies or remarries, 20% of such compensation will be payable to one

1 surviving child, 35% of such compensation to two surviving
2 children in equal shares and if there be three or more children, 50%
3 of such compensation will be payable to such children in equal
4 shares. If there is no surviving widow, widower or child, 25% of
5 the compensation upon which contributions by the member to the
6 annuity savings fund were based in the last year of creditable
7 service, will be payable to one surviving parent or 40% of such
8 compensation will be payable to two surviving parents in equal
9 shares. In the event of accidental death occurring in the first year of
10 creditable service, the benefits payable pursuant to this subsection
11 shall be computed at the annual rate of compensation.

12 c. If there is no surviving widow, widower, child or parent,
13 there shall be paid to any other beneficiary of the deceased member
14 his accumulated deductions at the time of death.

15 d. In no case shall the death benefit provided in subsection b.
16 be less than that provided under subsection c.

17 e. In addition to the foregoing benefits payable under
18 subsection b. or c., there shall also be paid in one sum to such
19 member's beneficiary an amount equal to one and one-half times the
20 compensation upon which contributions by the member to the
21 annuity savings fund were based in the last year of creditable
22 service.

23 (cf: P.L.2009, c.23, s.3)

24

25 3. (New section) a. Upon the death of a law enforcement
26 officer, correction officer, or firefighter member or retirant who was
27 ineligible for membership in the Police and Firemen's Retirement
28 System, and upon the death of an emergency medical technician,
29 paramedic, hazardous materials emergency first responder, or fire
30 instructor member or retirant, who died as a result of:

31 (1) an accident met in the actual performance of duty at some
32 definite time and place;

33 (2) service in the reserve component of the Armed Forces of the
34 United States or the National Guard in a federal active duty status;
35 and

36 whose death was not as the result of the member's or retirant's
37 willful negligence, an accidental death benefit shall be payable, if a
38 report of the accident is filed in the office of the retirement system
39 within 60 days next following the accident, but the board of trustees
40 may waive such time limits, for a reasonable period, if in the
41 judgment of the board the circumstances warrant such action,
42 including, but not limited to, a delayed manifestation of the injury
43 or disease resulting from such accident that caused the member's or
44 retirant's death.

45 No such application shall be valid or acted upon unless it is filed
46 in the office of the retirement system within five years of the date of
47 such death.

1 b. Upon the receipt of proper proofs of the death of a member
2 or retirant on account of which an accidental death benefit is
3 payable, there shall be paid to the member's or retirant's widow or
4 widower a pension of 70 percent of the compensation, upon which
5 contributions by the member to the annuity savings fund were based
6 in the last year of creditable service, for the use of the widow or
7 widower, and the children of the deceased member or retirant, to
8 continue during her or his widowhood. If there is no surviving
9 widow or widower or in case the widow or widower dies or
10 remarries, 70 percent of such compensation shall be payable to the
11 member's or retirant's surviving child or surviving children in equal
12 shares. If there is no surviving widow, widower or child, 25 percent
13 of the compensation upon which contributions by the member or
14 retirant to the annuity savings fund were based in the last year of
15 creditable service shall be payable to one surviving parent or 40
16 percent of such compensation shall be payable to two surviving
17 parents in equal shares. In the event of accidental death occurring
18 in the first year of creditable service, the benefits payable pursuant
19 to this subsection shall be computed at the annual rate of
20 compensation.

21 c. If there is no surviving widow, widower, child, or parent,
22 there shall be paid to any other beneficiary of the deceased member
23 or retirant the member's or retirant's accumulated deductions at the
24 time of death.

25 d. In no case shall the death benefit provided in subsection b.
26 of this section be less than that provided under subsection c. of this
27 section.

28 e. In addition to the foregoing benefits payable under
29 subsection b. or c. of this section, there shall also be paid in one
30 sum to such member's or retirant's beneficiary an amount equal to
31 one and one-half times the compensation upon which contributions
32 by the member or retirant to the annuity savings fund were based in
33 the last year of creditable service.

34 f. An individual who has been determined by the federal
35 Bureau of Justice Assistance to be eligible to receive a death benefit
36 under the "Public Safety Officers' Benefits Act of 1976" (34
37 U.S.C.S. s.10281 et seq.) based upon the death of a law
38 enforcement officer, correction officer, or firefighter member or
39 retirant who was ineligible for membership in the Police and
40 Firemen's Retirement System, or based upon the death of an
41 emergency medical technician, paramedic, hazardous materials
42 emergency first responder, or fire instructor member or retirant,
43 shall be eligible to receive the benefit provided under and in
44 accordance with subsection b. of this section.

45

46 4. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to
47 read as follows:

48 1. As used in this act:

1 (1) "Retirement system" or "system" shall mean the Police and
2 Firemen's Retirement System of New Jersey as defined in section 2
3 of this act.

4 (2) (a) "Policeman" shall mean a permanent, full-time employee
5 of a law enforcement unit as defined in section 2 of P.L.1961, c.56
6 (C.52:17B-67) or the State, other than an officer or trooper of the
7 Division of State Police whose position is covered by the State
8 Police Retirement System, whose primary duties include the
9 investigation, apprehension or detention of persons suspected or
10 convicted of violating the criminal laws of the State and who:

11 (i) is authorized to carry a firearm while engaged in the actual
12 performance of his official duties;

13 (ii) has police powers;

14 (iii) is required to complete successfully the training
15 requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or
16 comparable training requirements as determined by the board of
17 trustees; and

18 (iv) is subject to the physical and mental fitness requirements
19 applicable to the position of municipal police officer established by
20 an agency authorized to establish these requirements on a Statewide
21 basis, or comparable physical and mental fitness requirements as
22 determined by the board of trustees.

23 The term shall also include an administrative or supervisory
24 employee of a law enforcement unit or the State whose duties
25 include general or direct supervision of employees engaged in
26 investigation, apprehension or detention activities or training
27 responsibility for these employees and a requirement for
28 engagement in investigation, apprehension or detention activities if
29 necessary, and who is authorized to carry a firearm while in the
30 actual performance of his official duties and has police powers.

31 (b) "Fireman" shall mean a permanent, full-time employee of a
32 firefighting unit whose primary duties include the control and
33 extinguishment of fires and who is subject to the training and
34 physical and mental fitness requirements applicable to the position
35 of municipal firefighter established by an agency authorized to
36 establish these requirements on a Statewide basis, or comparable
37 training and physical and mental fitness requirements as determined
38 by the board of trustees. The term shall also include an
39 administrative or supervisory employee of a firefighting unit whose
40 duties include general or direct supervision of employees engaged
41 in fire control and extinguishment activities or training
42 responsibility for these employees and a requirement for
43 engagement in fire control and extinguishment activities if
44 necessary. As used in this paragraph, "firefighting unit" shall mean
45 a municipal fire department, a fire district, or an agency of a county
46 or the State which is responsible for control and extinguishment of
47 fires.

- 1 (3) "Member" shall mean any policeman or fireman included in
2 the membership of the retirement system pursuant to this
3 amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6
4 et al.).
- 5 (4) "Board of trustees" or "board" shall mean the board provided
6 for in section 13 of this act.
- 7 (5) "Medical board" shall mean the board of physicians
8 provided for in section 13 of this act.
- 9 (6) "Employer" shall mean the State of New Jersey, the county,
10 municipality or political subdivision thereof which pays the
11 particular policeman or fireman.
- 12 (7) "Service" shall mean service as a policeman or fireman paid
13 for by an employer.
- 14 (8) "Creditable service" shall mean service rendered for which
15 credit is allowed as provided under section 4 of this act.
- 16 (9) "Regular interest" shall mean interest as determined by the
17 State Treasurer, after consultation with the actuary. It shall bear a
18 reasonable relationship to the percentage rate of earnings on
19 investments based on the market value of assets but shall not exceed
20 the assumed percentage rate of increase applied to salaries plus 3%,
21 provided however that the board of trustees shall not set the average
22 percentage rate of increase applied to salaries below 6%. This rate
23 shall be distinct from any internally targeted rates used for
24 developing investment policy by the board of trustees pursuant to
25 section 13 of P.L.1944, c.255 (C.43:16A-13).
- 26 (10) "Aggregate contributions" shall mean the sum of all the
27 amounts, deducted from the compensation of a member or
28 contributed by him or on his behalf, standing to the credit of his
29 individual account in the annuity savings fund.
- 30 (11) "Annuity" shall mean payments for life derived from the
31 aggregate contributions of a member.
- 32 (12) "Pension" shall mean payments for life derived from
33 contributions by the employer.
- 34 (13) "Retirement allowance" shall mean the pension plus the
35 annuity.
- 36 (14) "Earnable compensation" shall mean the full rate of the
37 salary that would be payable to an employee if he worked the full
38 normal working time for his position. In cases where salary
39 includes maintenance, the retirement system shall fix the value of
40 that part of the salary not paid in money which shall be considered
41 under this act.
- 42 (15) "Average final compensation" shall mean final
43 compensation.
- 44 (16) "Retirement" shall mean the termination of the member's
45 active service with a retirement allowance granted and paid under
46 the provisions of this act.
- 47 (17) "Annuity reserve" shall mean the present value of all
48 payments to be made on account of any annuity or benefit in lieu of

1 any annuity computed upon the basis of such mortality tables
2 recommended by the actuary as shall be adopted by the board of
3 trustees, and regular interest.

4 (18) "Pension reserve" shall mean the present value of all
5 payments to be made on account of any pension or benefit in lieu of
6 any pension computed upon the basis of such mortality tables
7 recommended by the actuary as shall be adopted by the board of
8 trustees, and regular interest.

9 (19) "Actuarial equivalent" shall mean a benefit of equal value
10 when computed upon the basis of such mortality tables
11 recommended by the actuary as shall be adopted by the board of
12 trustees, and regular interest.

13 (20) "Beneficiary" shall mean any person receiving a retirement
14 allowance or other benefit as provided by this act.

15 (21) "Child" shall mean a deceased member's or retirant's
16 unmarried child (a) under the age of 18, or (b) 18 years of age or
17 older and enrolled in a secondary school, or (c) under the age of 24
18 and enrolled in a degree program in an institution of higher
19 education for at least 12 credit hours in each semester, provided that
20 the member or retirant died [in active service] as a result of an
21 accident met in the actual performance of duty at some definite time
22 and place, and the death was not the result of the member's or
23 retirant's willful misconduct, or (d) of any age who, at the time of
24 the member's or retirant's death, is disabled because of an
25 intellectual disability or physical incapacity, is unable to do any
26 substantial, gainful work because of the impairment and his or her
27 impairment has lasted or can be expected to last for a continuous
28 period of not less than 12 months, as affirmed by the medical board.

29 (22) "Parent" shall mean the parent of a member or retirant who
30 was receiving at least one-half of his support from the member or
31 retirant in the 12-month period immediately preceding the member's
32 or retirant's death or the accident which was the direct cause of the
33 member's or retirant's death. The dependency of such a parent will
34 be considered terminated by marriage of the parent subsequent to
35 the death of the member or retirant.

36 (23) (a) "Widower," for employees of the State, means the man
37 to whom a member or retirant was married, or a domestic partner as
38 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
39 her death and who has not since remarried or established a domestic
40 partnership. In the event of the payment of accidental death
41 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
42 the restriction concerning remarriage or establishment of a domestic
43 partnership shall be waived.

44 (b) Subject to the provisions of paragraph (c) of this subsection,
45 "widower," for employees of public employers other than the State,
46 means the man to whom a member or retirant was married on the
47 date of her death and who has not remarried.

1 (c) A public employer other than the State may adopt a
2 resolution providing that the term "widower" as defined in
3 paragraph (b) of this subsection shall include domestic partners as
4 provided in paragraph (a) of this subsection.

5 (24) (a) "Widow," for employees of the State, means the woman
6 to whom a member or retirant was married, or a domestic partner as
7 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
8 his death and who has not since remarried or established a domestic
9 partnership. In the event of the payment of accidental death
10 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
11 the restriction concerning remarriage or establishment of a domestic
12 partnership shall be waived.

13 (b) Subject to the provisions of paragraph (c) of this subsection,
14 "widow," for employees of public employers other than the State,
15 means the woman to whom a member or retirant was married on the
16 date of his death and who has not remarried.

17 (c) A public employer other than the State may adopt a
18 resolution providing that the term "widow" as defined in paragraph
19 (b) of this subsection shall include domestic partners as provided in
20 paragraph (a) of this subsection.

21 (25) "Fiscal year" shall mean any year commencing with July 1,
22 and ending with June 30, next following.

23 (26) (a) "Compensation" shall mean the base salary, for services
24 as a member as defined in this act, which is in accordance with
25 established salary policies of the member's employer for all
26 employees in the same position but shall not include individual
27 salary adjustments which are granted primarily in anticipation of
28 the member's retirement or additional remuneration for performing
29 temporary duties beyond the regular workday.

30 (b) In the case of a person who becomes a member of the
31 retirement system on or after the effective date of P.L.2010, c.1,
32 "compensation" means the amount of base salary equivalent to the
33 annual maximum wage contribution base for Social Security,
34 pursuant to the Federal Insurance Contributions Act, for services as
35 a member as defined in this act, which is in accordance with
36 established salary policies of the member's employer for all
37 employees in the same position but shall not include individual
38 salary adjustments which are granted primarily in anticipation of
39 the member's retirement or additional remuneration for performing
40 temporary duties beyond the regular workday.

41 (27) "Department" shall mean any police or fire department of a
42 municipality or a fire department of a fire district located in a
43 township or a county police or park police department or the
44 appropriate department of the State or instrumentality thereof.

45 (28) (a) "Final compensation" means the compensation received
46 by the member in the last 12 months of creditable service preceding
47 his retirement or death.

1 (b) In the case of a person who becomes a member of the
2 retirement system on or after the effective date of P.L.2010, c.1,
3 "final compensation" means the average annual compensation for
4 service for which contributions are made during any three fiscal
5 years of membership providing the largest possible benefit to the
6 member or the member's beneficiary.

7 (29) (Deleted by amendment, P.L.1992, c.78).

8 (30) (Deleted by amendment, P.L.1992, c.78).

9 (31) (a) "Spouse," for employees of the State, means the
10 husband or wife, or domestic partner as defined in section 3 of
11 P.L.2003, c.246 (C.26:8A-3), of a member or retirant.

12 (b) Subject to the provisions of paragraph (c) of this subsection,
13 "spouse," for employees of public employers other than the State,
14 means the husband or wife of a member or retirant.

15 (c) A public employer other than the State may adopt a
16 resolution providing that the term "spouse" as defined in paragraph
17 (b) of this subsection shall include domestic partners as provided in
18 paragraph (a) of this subsection.

19 (cf: P.L.2018, c.55, s.7)

20
21 5. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
22 read as follows:

23 10. **[(1)]** a. Upon the death of a member **[in active service]** or
24 retirant as a result of:

25 **[(a)]** (1) an accident met in the actual performance of duty at 32
26 some definite time and place, or

27 **[(b)]** (2) service in the reserve component of the Armed
28 Forces of the United States or the National Guard in a federal active
29 duty status, and

30 such death was not the result of the member's or retirant's
31 willful negligence, an accidental death benefit shall be payable if a
32 report of the accident is filed in the office of the retirement system
33 within 60 days next following the accident, but the board of trustees
34 may waive such time limit, for a reasonable period, if in the
35 judgment of the board the circumstances warrant such action,
36 including, but not limited to, a delayed manifestation of the injury
37 or disease resulting from such accident that caused the member's or
38 retirant's death.

39 No such application shall be valid or acted upon unless it is filed
40 in the office of the retirement system within five years of the date of
41 such death.

42 The provisions of this subsection shall also apply to a member
43 who is a fireman, or retirant who was a fireman, and who dies as a
44 result of an accident met in the actual performance of duty as a
45 volunteer fireman in any municipality in the State, provided the
46 member's or retirant's death was not the result of the member's or
47 retirant's willful negligence.

1 **[(2)] b.** Upon the receipt of proper proofs of the death of a
2 member or retirant on account of which an accidental death benefit
3 is payable, there shall be paid to **[his]** the member's or retirant's
4 widow or widower a pension of 70% of the compensation upon
5 which contributions by the member or retirant to the annuity
6 savings fund were based in the last year of creditable service, or a
7 pension of \$50,000 when death occurs on or after the effective date
8 of P.L.2020, c.151, whichever is greater, for the use of herself or
9 himself and the children of the deceased member or retirant; if there
10 is no surviving widow or widower or in case the widow or widower
11 dies, 70% of such compensation will be payable to the member's or
12 retirant's surviving child or surviving children in equal shares.

13 If there is no surviving widow, widower or child, 25% of the
14 compensation upon which contributions by the member or retirant
15 to the annuity savings fund were based in the last year of creditable
16 service, will be payable to one surviving dependent parent or 40%
17 of such compensation will be payable to two surviving parents in
18 equal shares.

19 In the event of accidental death occurring in the first year of
20 creditable service, the benefits, payable pursuant to this subsection,
21 shall be computed at the annual rate of compensation.

22 **[(3)] c.** If there is no surviving widow, widower, child or
23 dependent parent, there shall be paid to any other beneficiary of the
24 deceased member or retirant, **[his]** the member's or retirant's
25 aggregate contributions at the time of death.

26 **[(4)] d.** In no case shall the death benefit provided in
27 subsection **[(2)] b.** be less than that provided under subsection
28 **[(3)] c.**

29 **[(5)] e.** In addition to the foregoing benefits payable under
30 subsection **[(2)] b.** or **[(3)] c.**, there shall also be paid in one sum
31 to such beneficiary, if living, as the member or retirant shall have
32 nominated by written designation duly executed and filed with the
33 retirement system, otherwise to the executor or administrator of the
34 member's or retirant's estate, an amount equal to 3 1/2 times the
35 compensation upon which contributions by the member or retirant to
36 the annuity savings fund were based in the last year of creditable
37 service.

38 **[(6)] f.** In addition to the foregoing benefits, the State shall
39 pay to the member's or retirant's employer-sponsored health
40 insurance program all health insurance premiums for the coverage
41 of the member's or retirant's surviving widow or widower and
42 dependent children.

43 **g.** An individual who has been determined by the federal
44 Bureau of Justice Assistance to be eligible to receive a death benefit
45 under the "Public Safety Officers' Benefits Act of 1976" (34
46 U.S.C.S. s.10281 et seq.) based upon the death of a member or

1 retirant shall be eligible to receive the benefit provided under and in
2 accordance with subsection b. of this section.

3 (cf: P.L.2020, c.151, s.2)

4
5 6. (New section) The change to the definition of “child” made
6 pursuant to the amendment of section 6 of P.L.1954, c.84
7 (C.43:15A-6) by P.L. , c. (pending before the Legislature as
8 this bill) and the adjustment in the benefit to a surviving widow or
9 widower or a surviving child or children made pursuant to section 3
10 of P.L. , c. (C.) (pending before the Legislature as this bill)
11 shall apply to a benefit entitlement initially granted on or after
12 September 11, 2001 when the member was a World Trade Center
13 rescue, recovery, or cleanup operations responder and on or after
14 January 1, 2021 for all other members, and, if granted on or after
15 that date but before the effective date of P.L. , c. (pending
16 before the Legislature as this bill), still in effect on that effective
17 date. The adjustment in the benefit to an individual determined
18 eligible under the “Public Safety Officers’ Benefits Act of 1976”
19 (34 U.S.C.S. s.10281 et seq.) made pursuant to section 3 of
20 P.L. , c. (C.) (pending before the Legislature as this bill) shall
21 apply to a benefit entitlement initially granted on or after September
22 11, 2001 when the member was a World Trade Center rescue,
23 recovery, or cleanup operations responder and on or after January 1,
24 2021 for all other members, and, if granted on or after that date but
25 before the effective date of P.L. , c. (pending before the
26 Legislature as this bill), still in effect on that effective date.

27 The adjustment in benefits to such widow or widower, child or
28 children, or eligible individual pursuant section 3 of P.L. , c.
29 (C.) (pending before the Legislature as this bill) shall apply to
30 benefit payments made after September 11, 2001 when the member
31 was a World Trade Center rescue, recovery, or cleanup operations
32 responder and on or after January 1, 2021 for all other members.
33 Such widow or widower, child or children, or eligible individual
34 shall be granted a retroactive payment based upon the difference
35 between the benefit the widow or widower, child or children, or
36 eligible individual would have received if the adjustment made
37 pursuant to section 3 of P.L. , c. (C.) (pending before the
38 Legislature as this bill) had been applicable at the date of
39 entitlement and the benefit that the widow or widower, child or
40 children, or eligible individual received from the date of entitlement
41 to the effective date of P.L. , c. (pending before the Legislature
42 as this bill).

43 Notwithstanding the provisions of subsection a. of section 3 of
44 this act, P.L. , c. (C.) (pending before the Legislature as
45 this bill), restricting the accidental death benefit to applications
46 filed within five years of the date of a member’s or retirant’s death,
47 or any other provision of law to the contrary, a widow or widower,
48 child or children, parent, eligible individual, or other beneficiary, as

1 applicable, shall be permitted to file, within 180 days of the
2 effective date of this act, an application for an accidental death
3 benefit based upon the death of a retirant due to an accident met in
4 the actual performance of duty at some definite time and place, or
5 service in the reserve component of the Armed Forces of the United
6 States or the National Guard in a federal active duty status.

7
8 7. (New section) The change to the definition of “child” made
9 pursuant to the amendment of section 1 of P.L.1944, c.255
10 (C.43:16A-1) by section 4 of this act, P.L. , c. (pending before
11 the Legislature as this bill), and the adjustment in the benefit to a
12 surviving widow or widower or a surviving child or children of a
13 retirant made pursuant to the amendment of section 10 of P.L.1944,
14 c.255 (C.43:16A-10) by section 5 of this act shall apply to a benefit
15 entitlement initially granted on or after September 11, 2001 when
16 the member was a World Trade Center rescue, recovery, or cleanup
17 operations responder and on or after January 1, 2021 for all other
18 members, and, if granted on or after that date but before the
19 effective date of this act, P.L. , c. (pending before the
20 Legislature as this bill), still in effect on that effective date.

21 The adjustment made pursuant to the amendment of section 10 of
22 P.L.1944, c.255 (C.43:16A-10) by section 5 of this act in the benefit
23 to an individual determined eligible under the “Public Safety
24 Officers’ Benefits Act of 1976” (34 U.S.C.S. s.10281 et seq.) shall
25 apply to a benefit entitlement initially granted on or after September
26 11, 2001 when the member was a World Trade Center rescue,
27 recovery, or cleanup operations responder and on or after January 1,
28 2021 for all other members, and, if granted on or after that date but
29 before the effective date of this act, P.L. , c. (pending before
30 the Legislature as this bill), still in effect on that effective date.

31 The adjustments in benefits pursuant to the amendment of
32 section 10 of P.L.1944, c.255 (C.43:16A-10) by section 5 of this
33 act, P.L. , c. (pending before the Legislature as this bill) shall
34 apply to benefit payments made after the effective date of this act.
35 Such individual qualifying for the adjustment pursuant to the
36 amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by
37 section 5 of this act, P.L. , c. (pending before the Legislature as
38 this bill), shall be granted a retroactive payment based upon the
39 difference between the benefit the individual would have received if
40 the adjustment made pursuant to section 5 of this act had been
41 applicable at the date of entitlement and the benefit that such
42 individual received from the date of entitlement to the effective date
43 of this act, P.L. , c. (pending before the Legislature as this bill).

44 Notwithstanding the provisions of subsection a. of section 10 of
45 P.L.1944, c.255 (C.43:16A-10) restricting the accidental death
46 benefit to applications filed within five years of the date of a
47 member’s or retirant’s death, or any other provision of law to the
48 contrary, a widow or widower, child or children, parent, eligible

1 individual, or other beneficiary, as applicable, shall be permitted to
2 file, within 180 days of the effective date of this act, an application
3 for an accidental death benefit based upon the death of a retirant
4 due to an accident met in the actual performance of duty at some
5 definite time and place, or service in the reserve component of the
6 Armed Forces of the United States or the National Guard in a
7 federal active duty status.

8
9 8. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill increases to 70 percent of compensation the accidental
15 death benefit payable to the surviving spouse or surviving child or
16 children of a deceased law enforcement officer, correction officer,
17 or firefighter who was a member of the Public Employees'
18 Retirement System (PERS) and ineligible for membership in the
19 Police and Firemen's Retirement System (PFRS), and for an
20 emergency medical technician, paramedic, hazardous materials
21 emergency first responder, and fire instructor member or retirant.
22 This bill also changes the definition of child with respect to those
23 members. The bill permits payment of an accidental death benefit
24 to a surviving beneficiary of a retirant of the PFRS or a retirant of
25 the PERS who was ineligible for membership in the PFRS if the
26 accident caused the death of the retirant. The bill also grants
27 eligibility for the death benefit to a person determined by the
28 federal Bureau of Justice Assistance to be eligible to receive a death
29 benefit under the federal "Public Safety Officers' Benefits Act of
30 1976" based upon the death of a law enforcement officer, correction
31 officer, or firefighter member or retirant of the PERS who was
32 ineligible for membership in the PFRS or member or retirant of the
33 PFRS, and for an emergency medical technician, paramedic,
34 hazardous materials emergency first responder, and fire instructor
35 member or retirant .

36 Under current law, an accidental death benefit under PERS is
37 payable when a member dies accidentally in the actual performance
38 of duty, or in active service in the reserve component of the Armed
39 Forces of the United States or the National Guard in a federal active
40 duty status, and not as the result of his or her willful negligence.
41 The member's widow or widower is entitled to a pension of 50
42 percent of the member's compensation for use by him or her and the
43 children of the deceased member. This payment continues during
44 his or her widowhood. If there is no surviving widow or widower,
45 or in case the widow or widower dies or remarries, 20 percent of
46 that compensation is payable to one surviving child, 35 percent to
47 two surviving children in equal shares, and 50 percent to three or
48 more surviving children in equal shares.

1 With respect to all law enforcement officers, correction officers,
2 or firefighters in PERS, and for an emergency medical technician,
3 paramedic, hazardous materials emergency first responder, and fire
4 instructor member or retirant, this bill increases to 70 percent of the
5 member's compensation the accidental death benefit payable to the
6 surviving spouse of the member or retirant, and to the same amount
7 the benefit payable to the member's or retirant's surviving child or
8 children when there is no surviving spouse. This provision will
9 mirror the amounts as provided in the PFRS.

10 This bill also changes the definition of child with respect to all
11 law enforcement officers, correction officers, and firefighters in
12 PERS, and for an emergency medical technician, paramedic,
13 hazardous materials emergency first responder, and fire instructor
14 member or retirant. Currently, in that retirement system, "child" is
15 defined as a deceased member's unmarried child either (a) under the
16 age of 18 or (b) of any age who, at the time of the member's death,
17 is disabled because of an intellectual disability or physical
18 incapacity, is unable to do any substantial, gainful work because of
19 the impairment and the impairment has lasted or can be expected to
20 last for a continuous period of not less than 12 months, as affirmed
21 by the medical board. For those officers and firefighters in PERS,
22 this bill adds to this definition a member's or retirant's child who is
23 (c) 18 years of age or older and enrolled in a secondary school, or
24 (d) under the age of 24 and enrolled in a degree program in an
25 institution of higher education for at least 12 credit hours in each
26 semester, provided that the member or retirant died as a result of an
27 accident met in the actual performance of duty at some definite time
28 and place, and the death was not the result of the member's or
29 retirant's willful misconduct. This definition will be the same as
30 the definition of child in the PFRS, as amended to include retirants.

31 Finally, the bill provides that a person determined by the federal
32 Bureau of Justice Assistance to be eligible to receive a death benefit
33 under the federal "Public Safety Officers' Benefits Act of 1976"
34 (PSOB) based upon the death of a law enforcement officer,
35 correction officer, or firefighter member or retirant in the PERS
36 who was ineligible for membership in the PFRS is eligible to
37 receive the accidental death benefit, and the same for an emergency
38 medical technician, paramedic, hazardous materials emergency first
39 responder, and fire instructor member or retirant. The bill provides
40 the same eligibility for a person determined by the bureau to be
41 eligible for a death benefit under the PSOB for a member or retirant
42 in the PFRS.