

4105

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. ABBATE, PHEFFER, ZEBROWSKI -- Multi-Sponsored by
-- M. of A. McENENY -- read once and referred to the Committee on
Governmental Employees

AN ACT to amend the general municipal law, in relation to providing for
the special accidental death benefit for district attorney investi-
gators

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision a of section 208-f of the general municipal
2 law, as separately amended by chapters 583 and 742 of the laws of 2004,
3 is amended to read as follows:
4 a. Notwithstanding any other provision of law, the special accidental
5 death benefit provided by this section shall be paid to the widow or
6 widower or the deceased member's children under the age of eighteen, or,
7 if a student under the age of twenty-three, if the widow or widower has
8 died of: (i) a deceased member of a pension or retirement system of a
9 police department or paid fire department of a city, town or village;
10 (ii) a deceased paid member of the police force of the police department
11 of the New York city transit authority; (iii) a deceased paid member of
12 the police force of the police department of the New York city housing
13 authority; (iv) a deceased paid member of the uniformed correction force
14 of the New York city department of correction; (v) a deceased paid
15 uniformed member of a county sheriff's department (outside the city of
16 New York); or (vi) a deceased employee of the city of New York or the
17 New York city health and hospitals corporation in a title whose duties
18 are those of an emergency medical technician or advanced emergency
19 medical technician (as those terms are defined in section three thousand
20 one of the public health law), or in a title whose duties require the
21 supervision of employees whose duties are those of an emergency medical
22 technician or advanced emergency medical technician (as those terms are
23 defined in section three thousand one of the public health law); or (vi)

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 a deceased paid bridge and tunnel member of the New York city employees'
2 retirement system, providing the widow or widower is ineligible to
3 receive benefits pursuant to section three hundred sixty-one-a of the
4 retirement and social security law as added by chapter four hundred
5 seventy-two of the laws of nineteen hundred seventy-eight; OR (VII) A
6 DECEASED PAID MEMBER OF A DISTRICT ATTORNEY INVESTIGATOR'S OFFICE AS
7 DEFINED IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW and the deceased
8 member:

9 1. Died before the effective date of his or her retirement, as the
10 natural and proximate result of an accident sustained in the performance
11 of duty in the service upon which his membership was based, and

12 2. Did not cause such accident by his or her own willful negligence,
13 and

14 3. At the time of such accident was actually a member of: (i) a
15 pension or retirement system of a police department or paid fire depart-
16 ment of a city, town or village; (ii) a pension or retirement system
17 covering the police force of the police department of the New York city
18 transit authority; (iii) a pension or retirement system covering the
19 police force of the police department of the New York city housing
20 authority; (iv) a pension or retirement system covering the uniformed
21 correction force of the New York city department of correction; (v) a
22 pension or retirement system covering uniformed members of a county
23 sheriff's department (outside the city of New York); or (vi) a pension
24 or retirement system covering employees of the city of New York, or the
25 New York city health and hospitals corporation in a title whose duties
26 are those of an emergency medical technician or advanced emergency
27 medical technician (as those terms are defined in section three thousand
28 one of the public health law), or in a title whose duties require the
29 supervision of employees whose duties are those of an emergency medical
30 technician or advanced emergency medical technician (as those terms are
31 defined in section three thousand one of the public health law); or (vi)
32 a pension or retirement system covering paid bridge and tunnel members
33 of the New York city employees' retirement system.

34 S 2. Subdivision h of section 208-f of the general municipal law, as
35 amended by chapter 5 of the laws of 2007, is amended to read as follows:

36 h. Notwithstanding any other provision of law, if (i) a member of a
37 pension or retirement system covering a police department or paid fire
38 department of a city, town or village; (ii) a member of a pension or
39 retirement system covering the uniformed corrections force of the New
40 York city department of corrections; (iii) a member of a pension or
41 retirement system covering a county sheriff's department (outside of the
42 city of New York); (iv) a deputy sheriff member of the New York city
43 employees' retirement system; (v) a member of the New York city employ-
44 ees' retirement system who is an employee of the city of New York or the
45 New York city health and hospitals corporation in a title whose duties
46 are those of an emergency medical technician or advanced emergency
47 medical technician (as those terms are defined in section three thousand
48 one of the public health law), or in a title whose duties require the
49 supervision of employees whose duties are those of an emergency medical
50 technician or advanced emergency medical technician (as those terms are
51 defined in section three thousand one of the public health law); (vi) a
52 bridge and tunnel member of the New York city employees' retirement
53 system; (VII) A DECEASED PAID MEMBER OF A DISTRICT ATTORNEY INVESTI-
54 GATOR'S OFFICE AS DEFINED IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW,
55 who: (1) has met the criteria of subdivision g of section sixty-three of
56 the retirement and social security law, subdivision g of section three

1 hundred sixty-three of the retirement and social security law, subdivi-
2 sion h of section three hundred sixty-three-bb of the retirement and
3 social security law, subdivision g of section five hundred seven of the
4 retirement and social security law, subdivision c of section five
5 hundred seven-c of the retirement and social security law, subdivision h
6 of section five hundred fifty-six of the retirement and social security
7 law, subdivision h of section six hundred five of the retirement and
8 social security law, subdivision h of section six hundred five-a of the
9 retirement and social security law, subdivision d of section six hundred
10 five-b of the retirement and social security law as added by chapter
11 five hundred four of the laws of two thousand two, subdivision b of
12 section six hundred five-c of the retirement and social security law,
13 subdivision c of section six hundred seven-b of the retirement and
14 social security law, subdivision one of section 13-252.1 of the adminis-
15 trative code of the city of New York, subdivision one of section
16 13-353.1 of the administrative code of the city of New York, or subdivi-
17 sion b of section 13-168 of the administrative code of the city of New
18 York; and (2) dies in active service from a qualifying condition or
19 impairment of health, as defined in each of the foregoing subdivisions,
20 that is determined by the applicable head of the retirement system or
21 applicable medical board to have been caused by such member's partic-
22 ipation in the World Trade Center rescue, recovery or cleanup oper-
23 ations, then unless the contrary be proven by competent evidence, such
24 member shall be deemed to have died as a natural and proximate result of
25 an accident sustained in the performance of duty and not as a result of
26 willful negligence on his or her part. Upon such determination, the
27 eligible beneficiary of such member, as defined in either section
28 sixty-one, five hundred one or six hundred one of the retirement and
29 social security law, section 13-149, 13-244 or 13-347 of the administra-
30 tive code of the city of New York shall be entitled to a special acci-
31 dental death benefit as provided by this section, payable in accordance
32 with subdivisions b, c and d of this section.

33 S 3. This act shall take effect immediately.