S T A T E O F N E W Y O R K

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 investigators

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

Section 1. Subdivision a of section 208-f of the general municipal law, as separately amended by chapters 583 and 742 of the laws of 2004, is amended to read as follows:

a. Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to the widow or widower or the deceased member's children under the age of eighteen, or, if a student under the age of twenty-three, if the widow or widower has died of: (i) a deceased member of a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a deceased paid member of the police force of the police department of the New York city transit authority; (iii) a deceased paid member of the police force of the police department of the New York city housing authority; (iv) a deceased paid member of the uniformed correction force of the New York city department of correction; (v) a deceased paid uniformed member of a county sheriff's department (outside the city of New York); or (vi) a deceased employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are 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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a deceased paid bridge and tunnel member of the New York city employees' retirement system, providing the widow or widower is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the retirement and social security law as added by chapter four hundred seventy-two of the laws of nineteen hundred seventy-eight; OR (VII) A DECEASED PAID MEMBER OF A DISTRICT ATTORNEY INVESTIGATOR'S OFFICE AS DEFINED IN SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW and the deceased member:

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

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

3. At the time of such accident was actually a member of: (i) a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a pension or retirement system covering the police force of the police department of the New York city transit authority; (iii) a pension or retirement system covering the police force of the police department of the New York city housing authority; (iv) a pension or retirement system covering the uniformed correction force of the New York city department of correction; (v) a pension or retirement system covering uniformed members of a county sheriff's department (outside the city of New York); or (vi) a pension or retirement system covering employees of the city of New York, or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); or (vi) a pension or retirement system covering paid bridge and tunnel members of the New York city employees' retirement system.

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

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

hundred sixty-three of the retirement and social security law, subdivision h of section three hundred sixty-three-bb of the retirement and social security law, subdivision g of section five hundred seven of the retirement and social security law, subdivision c of section five hundred seven-c of the retirement and social security law, subdivision h of section five hundred fifty-six of the retirement and social security law, subdivision h of section six hundred five of the retirement and social security law, subdivision h of section six hundred five-a of the retirement and social security law, subdivision d of section six hundred five-b of the retirement and social security law as added by chapter five hundred four of the laws of two thousand two, subdivision b of section six hundred five-c of the retirement and social security law, subdivision c of section six hundred seven-b of the retirement and social security law, subdivision one of section 13-252.1 of the administrative code of the city of New York, subdivision one of section 13-353.1 of the administrative code of the city of New York, or subdivision b of section 13-168 of the administrative code of the city of New York; and (2) dies in active service from a qualifying condition or impairment of health, as defined in each of the foregoing subdivisions, that is determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Upon such determination, the eligible beneficiary of such member, as defined in either section sixty-one, five hundred one or six hundred one of the retirement and social security law, section 13-149, 13-244 or 13-347 of the administrative code of the city of New York shall be entitled to a special accidental death benefit as provided by this section, payable in accordance with subdivisions b, c and d of this section.

S 3. This act shall take effect immediately.