

3158

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sens. KLEIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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)  
24 a deceased paid bridge and tunnel member of the New York city employees'

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

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

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

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

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

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

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

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

32 S 3. This act shall take effect immediately.