

5745

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

Introduced by M. of A. ABBATE -- 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:

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.

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.