

# STATE OF NEW YORK

3815

2025-2026 Regular Sessions

## IN SENATE

January 30, 2025

Introduced by Sen. RIVERA -- 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 and the administrative code of the city of New York, in relation to allowing for certain child beneficiaries to receive accidental death benefits for the duration of their lifetime

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraphs of subdivisions a, b and c and  
2 subdivision f of section 208-f of the general municipal law, the opening  
3 paragraph of subdivision a as amended by chapter 720 of the laws of  
4 2023, the opening paragraph of subdivision b as amended by section 1 of  
5 part Y of chapter 55 of the laws of 2023, the opening paragraph of  
6 subdivision c as amended by chapter 162 of the laws of 2024 and subdivi-  
7 sion f as amended by chapter 782 of the laws of 2022, are amended to  
8 read as follows:  
9 Notwithstanding any other provision of law, the special accidental  
10 death benefit provided by this section shall be paid to the [~~widow or~~  
11 ~~widower~~] surviving spouse or the deceased member's children [~~under the~~  
12 ~~age of eighteen, or, if a student under the age of twenty-three~~], if the  
13 [~~widow or widower~~] surviving spouse has died, or to the deceased  
14 member's parents if the member has no [~~widow, widower,~~] surviving spouse  
15 or children [~~under the age of eighteen, or a student under the age of~~  
16 ~~twenty-three~~], of: (i) a deceased member of a pension or retirement  
17 system of a police department or paid fire department of a city, town or  
18 village; (ii) a deceased paid member of the police force of the police  
19 department of the New York city transit authority; (iii) a deceased paid  
20 member of the police force of the police department of the New York city  
21 housing authority; (iv) a deceased paid member of the uniformed  
22 correction force of the New York city department of correction; (v) a  
23 deceased paid uniformed member of a county sheriff's department (outside

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

LBD08007-01-5

1 the city of New York); (vi) a deceased employee of the city of New York  
 2 or the New York city health and hospitals corporation in a title whose  
 3 duties are those of an emergency medical technician or advanced emergen-  
 4 cy medical technician (as those terms are defined in section three thou-  
 5 sand one of the public health law), or in a title whose duties require  
 6 the supervision of employees whose duties are those of an emergency  
 7 medical technician or advanced emergency medical technician (as those  
 8 terms are defined in section three thousand one of the public health  
 9 law); (vii) a deceased paid bridge and tunnel member of the New York  
 10 city employees' retirement system; (viii) a deceased paid member of the  
 11 uniformed force of the New York city department of sanitation; or (ix) a  
 12 deceased paid deputy sheriff member of the New York city sheriff's  
 13 department, providing the ~~[widow or widower]~~ surviving spouse is ineli-  
 14 gible to receive benefits pursuant to section three hundred sixty-one-a  
 15 of the retirement and social security law as amended by chapter seven  
 16 hundred thirty-three of the laws of nineteen hundred ninety and the  
 17 deceased member:

18 The special accidental death benefit shall be paid by the county,  
 19 city, town or village which employed the deceased member at the time of  
 20 death, and shall consist of a pension which is equal to the salary of  
 21 the deceased member, reduced by the sum of each of the following bene-  
 22 fits received by the ~~[widow or widower]~~ surviving spouse or the deceased  
 23 member's children ~~[under the age of eighteen]~~, if the ~~[widow or widower]~~  
 24 surviving spouse has died, or to the deceased member's parents if the  
 25 member has no ~~[widow, widower,]~~ surviving spouse or children ~~[under the~~  
 26 ~~age of eighteen, or a student under the age of twenty-three]~~, on account  
 27 of the death of the deceased member:

28 Commencing July first, two thousand twenty-four the special accidental  
 29 death benefit paid to a ~~[widow or widower]~~ surviving spouse or the  
 30 deceased member's children ~~[under the age of eighteen or, if a student,~~  
 31 ~~under the age of twenty-three]~~, if the ~~[widow or widower]~~ surviving  
 32 spouse has died, or to the deceased member's parents if the member has  
 33 no ~~[widow, widower,]~~ surviving spouse or children ~~[under the age of~~  
 34 ~~eighteen, or a student under the age of twenty-three]~~, shall be esca-  
 35 lated by adding thereto an additional percentage of the salary of the  
 36 deceased member (as increased pursuant to subdivision b of this section)  
 37 in accordance with the following schedule:

38 f. The special accidental death benefit shall be paid to:

39 1. The member's ~~[widow or widower]~~ surviving spouse to continue during  
 40 ~~[his or her]~~ the lifetime of such surviving spouse. If ~~[he or she]~~ the  
 41 deceased member shall leave no ~~[widow or widower]~~ surviving spouse, or  
 42 if ~~[his or her widow or widower]~~ such deceased member's surviving spouse  
 43 shall die before all ~~[his or her]~~ of the deceased member's children  
 44 ~~[shall have attained age eighteen or, if students shall have attained~~  
 45 ~~the age of twenty-three]~~, or sooner die, then to

46 2. ~~[His or her]~~ The child or children ~~[under age eighteen, or, if~~  
 47 ~~students, under age twenty-three]~~ of such deceased member for their  
 48 lifetimes, divided in such manner as the comptroller, in ~~[his]~~ their  
 49 discretion, shall determine, or sooner die, then to

50 3. ~~[His or her]~~ The parents of such deceased member if the member has  
 51 no ~~[widow, widower,]~~ surviving spouse or children ~~[under the age of~~  
 52 ~~eighteen, or a student under the age of twenty-three]~~, for their life-  
 53 times. Such pension shall continue in the same amount as received by the  
 54 member's ~~[widow or widower]~~ surviving spouse as a joint and survivor  
 55 pension until every such ~~[child shall have attained age eighteen or~~  
 56 ~~sooner]~~ parent shall die.

1 § 2. Paragraphs 2 and 3 of subdivision a and paragraph 2 of subdivi-  
2 sion b of section 13-149 of the administrative code of the city of New  
3 York, paragraph 3 of subdivision a as amended by chapter 408 of the laws  
4 of 2000, and paragraph 2 of subdivision b as amended by chapter 290 of  
5 the laws of 2001, are amended to read as follows:

6 2. If there be no surviving spouse, or if the surviving spouse dies or  
7 remarries before any child [~~of such deceased member shall have attained~~  
8 ~~the age of eighteen years~~] dies, then to [~~his or her~~] such deceased  
9 member's child or children [~~under such age~~], divided in such manner as  
10 such board in its discretion shall determine, to continue as a joint and  
11 survivor pension [~~of one half of his or her final compensation~~] until  
12 every such child dies [~~or attains such age~~]; or

13 3. If there be no surviving spouse or child [~~under the age of eighteen~~  
14 ~~years~~] surviving such deceased member, then to [~~his or her~~] a dependent  
15 [~~father or mother~~] parent of such deceased member, as the deceased  
16 member shall have nominated by written designation duly acknowledged and  
17 filed with such board; or, if there be no such nomination, then to [~~his~~  
18 ~~or her dependent father or to his or her dependent mother~~] one of the  
19 deceased member's dependent parents, as such board in its discretion  
20 shall direct, to continue for life; or

21 (2) Notwithstanding the provisions of subdivision a of this section,  
22 upon the accidental death before retirement of a member who is a sanita-  
23 tion member provided that evidence shall be submitted to such board  
24 proving that the death of such member was the natural and proximate  
25 result of an accident sustained while a member and while in the perform-  
26 ance of duty at some definite time and place and that such death was not  
27 the result of wilful negligence on [~~his or her~~] the part of such  
28 deceased member, [~~his or her~~] such deceased member's accumulated  
29 deductions shall be paid to [~~his or her~~] their estate, or to such  
30 persons as [~~he or she has~~] they have nominated or shall nominate by  
31 written designation, duly acknowledged and filed with such board. Upon  
32 application by or on behalf of the dependents of such deceased member,  
33 such board shall grant a lump sum payment of the reserve-for-increased-  
34 take-home-pay and a pension of one-half of such member's annual salary  
35 or compensation on the date of [~~his or her~~] such deceased member's  
36 death; provided that in no case shall such pension be in an amount which  
37 is less than one-half of the maximum basic annual salary of sanitation  
38 workers payable as of such date of death to sanitation workers employed  
39 by the department of sanitation:

40 [~~(1)~~] (a) To [~~his or her~~] the surviving spouse of such deceased  
41 member, to continue until the death of the surviving spouse; or

42 [~~(2)~~] (b) If there be no surviving spouse, or if the surviving spouse  
43 dies before any child of such deceased member shall [~~have attained the~~  
44 ~~age of eighteen years~~] die, then to [~~his or her~~] the child or children  
45 [~~under such age~~] of such deceased member, divided in such manner as such  
46 board in its discretion shall determine, to continue as a joint and  
47 survivor pension [~~in the amount hereinabove specified~~] until every such  
48 child dies [~~or attains such age~~]; or

49 [~~(3)~~] (c) If there be no surviving spouse or child [~~under the age of~~  
50 ~~eighteen years~~] surviving such deceased member, then to [~~his or her~~] a  
51 dependent [~~father or mother~~] parent of such deceased member, as the  
52 deceased member shall have nominated by written designation duly  
53 acknowledged and filed with such board; or, if there be no such nomi-  
54 nation, then to [~~his or her dependent father or to his or her dependent~~  
55 ~~mother~~] one of the deceased member's dependent parents, as such board in  
56 its discretion shall direct, to continue for life.

1 § 3. Subdivisions 2 and 3 of section 13-244 of the administrative code  
2 of the city of New York, as amended by chapter 733 of the laws of 1990,  
3 are amended to read as follows:

4 2. If there be no surviving spouse, or if the surviving spouse dies  
5 before any child of such deceased member [~~shall have attained the age of~~  
6 ~~eighteen years, or if a student, before such child shall have attained~~  
7 ~~the age of twenty-three years~~], then to [~~his or her~~] such deceased  
8 member's child or children [~~under such age~~], divided in such manner as  
9 such board in its discretion shall determine, to continue as a joint and  
10 survivor pension [~~of one-half of his or her final compensation until~~]  
11 every such child dies [~~or attains such age~~]; or

12 3. If there be no surviving spouse or child [~~under the age of eighteen~~  
13 ~~years, or if a student, under the age of twenty-three years~~], surviving  
14 such deceased member, then to [~~his or her~~] a dependent [~~father or moth-~~  
15 ~~er~~] parent of such deceased member, as the deceased member shall have  
16 nominated by written designation duly acknowledged and filed with such  
17 board; or, if there be no such nomination, then to [~~his or her dependent~~  
18 ~~father or to his or her dependent mother~~] one of the deceased member's  
19 dependent parents, as such board in its discretion shall direct, to  
20 continue for life.

21 § 4. Paragraphs 2 and 3 of subdivision c of section 13-347 of the  
22 administrative code of the city of New York, as amended by chapter 733  
23 of the laws of 1990, are amended to read as follows:

24 (2) If there be no surviving spouse, or if the surviving spouse dies  
25 before any child of such deceased member [~~shall have attained the age of~~  
26 ~~eighteen years or if a student under the age of twenty-three years~~],  
27 then to [~~his or her~~] the child or children [~~under such age~~] of such  
28 deceased member, divided in such manner as such board in its discretion  
29 shall determine, to continue, if such deceased member was an original  
30 plan member not subject to article eleven at the time of [~~his or her~~]  
31 their death, as a joint and survivor pension [~~of one-half of his or her~~  
32 ~~final compensation~~] until every such child dies [~~or attains such age~~],  
33 and to continue, if such deceased member was an improved benefits plan  
34 member not subject to article eleven at the time of [~~his or her~~] their  
35 death, as a joint and survivor pension [~~of one-half of his or her five-~~  
36 ~~year average compensation~~] until every such child dies [~~or attains such~~  
37 ~~age~~]; or

38 (3) If there be no surviving spouse or child [~~under the age of eigh-~~  
39 ~~teen years or if a student under the age of twenty-three years~~] surviv-  
40 ing such deceased member, then to [~~his or her~~] a dependent [~~father or~~  
41 ~~mother~~] parent of such deceased member, as such deceased member shall  
42 have nominated by written designation duly acknowledged and filed with  
43 such board; or, if there be no such nomination, then to [~~his or her~~]  
44 ~~dependent father or to his or her dependent mother~~] one of the deceased  
45 member's dependent parents, as such board in its discretion shall  
46 direct, to continue for life.

47 § 5. Paragraphs 2 and 3 of subdivision b of section 13-544 of the  
48 administrative code of the city of New York are amended to read as  
49 follows:

50 2. if there be no spouse, or if the spouse dies or remarries before  
51 any child of such deceased shall [~~have attained the age of eighteen~~  
52 ~~years~~] die, then to the child or children [~~under said age~~], divided in  
53 such manner as the retirement board in its discretion shall determine,  
54 to continue as a joint and survivor pension [~~of one-half his or her~~  
55 ~~final compensation~~] until every such child dies [~~or attains said age~~];  
56 or

1 3. if there be no spouse or child [~~under the age of eighteen years~~]  
2 surviving such deceased, then to [~~the~~] a dependent [~~father or mother~~]  
3 parent of the deceased member, as the deceased shall have nominated by  
4 written designation filed with the retirement board; or, if there be no  
5 such nomination, then to [~~the dependent father or to the dependent moth-~~  
6 ~~er~~] one of the deceased member's dependent parents, as the retirement  
7 board in its discretion shall direct, to continue for life.

8 § 6. No individual whose benefits shall be reduced pursuant to the  
9 provisions of this act shall be required to repay any such benefits  
10 already received.

11 § 7. This act shall take effect immediately and shall be deemed to  
12 have been in full force and effect on and after July 1, 2017.