

# STATE OF NEW YORK

3815--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, 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 and such children were  
14 under the age of twenty-five when the death of the member occurred, or  
15 to the deceased member's parents if the member has no [~~widow, widower,~~  
16 ~~surviving spouse or~~ children [~~under the age of eighteen, or a student~~  
17 ~~under the age of twenty-three~~] who were under the age of twenty-five  
18 when the death of the member occurred, of: (i) a deceased member of a  
19 pension or retirement system of a police department or paid fire depart-  
20 ment of a city, town or village; (ii) a deceased paid member of the  
21 police force of the police department of the New York city transit  
22 authority; (iii) a deceased paid member of the police force of the

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

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

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

33 Commencing July first, two thousand twenty-four the special accidental  
34 death benefit paid to a ~~[widow or widower]~~ surviving spouse or the  
35 deceased member's children ~~[under the age of eighteen or, if a student,  
36 under the age of twenty-three]~~, if the ~~[widow or widower]~~ surviving  
37 spouse has died and such children were under the age of twenty-five when  
38 the death of the member occurred, or to the deceased member's parents if  
39 the member has no ~~[widow, widower,]~~ surviving spouse or children [under  
40 the age of eighteen, or a student under the age of twenty-three] who  
41 were under the age of twenty-five when the death of the member occurred,  
42 shall be escalated by adding thereto an additional percentage of the  
43 salary of the deceased member (as increased pursuant to subdivision b of  
44 this section) in accordance with the following schedule:

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

46 1. The member's ~~[widow or widower]~~ surviving spouse to continue during  
47 ~~[his or her]~~ the lifetime of such surviving spouse. If ~~[he or she]~~ the  
48 deceased member shall leave no ~~[widow or widower]~~ surviving spouse, or  
49 if ~~[his or her widow or widower]~~ such deceased member's surviving spouse  
50 or parent of deceased member's children shall die before all ~~[his or~~  
51 ~~her]~~ of the deceased member's children ~~[shall have attained age eighteen~~  
52 ~~or, if students shall have attained the age of twenty-three]~~ who were  
53 under the age of twenty-five when the death of the member occurred, or  
54 sooner die, then to

55 2. ~~[His or her]~~ The child or children ~~[under age eighteen, or, if~~  
56 ~~students, under age twenty-three]~~ of such deceased member who were under

1 the age of twenty-five when the death of the member occurred for their  
2 lifetimes, divided in such manner as the comptroller, in [~~his~~] their  
3 discretion, shall determine, or sooner die, then to

4 3. [~~His or her~~] The parents of such deceased member if the member has  
5 no [~~widow, widower,~~] surviving spouse or children [~~under the age of~~  
6 ~~eighteen, or a student under the age of twenty-three~~] who were under the  
7 age of twenty-five when the death of the member occurred, for their  
8 lifetimes. Such pension shall continue in the same amount as received by  
9 the member's [~~widow or widower~~] surviving spouse as a joint and survivor  
10 pension until every such [~~child shall have attained age eighteen or~~  
11 ~~sooner~~] parent shall die.

12 § 2. No individual receiving benefits pursuant to the provisions of  
13 section 208-f of the general municipal law prior to the effective date  
14 of this act whose benefits would be reduced pursuant to the provisions  
15 of this act shall be required to repay any such benefits already  
16 received. No reduction in benefits shall occur unless an individual  
17 receiving such benefit consents to a reduction in benefits.

18 § 3. An individual who would have been eligible for benefits under  
19 section 208-f of the general municipal law, as amended by section one of  
20 this act, as a child of a deceased member who was under the age of 21  
21 when the death of the member occurred and has previously aged out, where  
22 such member died before the effective date of this act and was a member  
23 of the police department established pursuant to chapter 18 of the New  
24 York city charter shall be eligible to receive such benefit if such  
25 individual files an application with the New York City police pension  
26 fund established pursuant to chapter 2 of title 13 of the administrative  
27 code of the city of New York within one year following the effective  
28 date of this act. Any application received for such benefit which  
29 reduces the benefit of another beneficiary shall not be accepted unless  
30 such other beneficiary affirmatively consents to a reduction of benefits  
31 in the manner and form prescribed by such pension fund. Such benefits  
32 shall not be paid retroactively. No individual shall be eligible under  
33 this section if (a) they have reached the age of thirty at the time of  
34 application or (b) the current beneficiary or beneficiaries is or are  
35 the surviving spouse or the parent or parents of such deceased member  
36 who died before the effective date of this act.

37 § 4. This act shall take effect immediately.