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:

Section 1. The opening paragraphs of subdivisions a, b and c and subdivision f of section 208-f of the general municipal law, the opening paragraph of subdivision a as amended by chapter 720 of the laws of 2023, the opening paragraph of subdivision b as amended by section 1 of part Y of chapter 55 of the laws of 2023, the opening paragraph of subdivision c as amended by chapter 162 of the laws of 2024 and subdivision f as amended by chapter 782 of the laws of 2022, are amended to read as follows:

Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to the [~~widow or widower~~] surviving spouse 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~~] surviving spouse has died and such children were under the age of twenty-five when the death of the member occurred, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~] who were under the age of twenty-five when the death of the member occurred, 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

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

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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); (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); (vii) a deceased paid bridge and tunnel member of the New York city employees' retirement system; (viii) a deceased paid member of the uniformed force of the New York city department of sanitation; or (ix) a deceased paid deputy sheriff member of the New York city sheriff's department, providing the [~~widow or widower~~] surviving spouse is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the retirement and social security law as amended by chapter seven hundred thirty-three of the laws of nineteen hundred ninety and the deceased member:

The special accidental death benefit shall be paid by the county, city, town or village which employed the deceased member at the time of death, and shall consist of a pension which is equal to the salary of the deceased member, reduced by the sum of each of the following benefits received by the [~~widow or widower~~] surviving spouse or the deceased member's children [~~under the age of eighteen~~], if the [~~widow or widower~~] surviving spouse has died and such children were under the age of twenty-five when the death of the member occurred, or to the deceased member's parents if the member has no [~~widow, widower,~~] surviving spouse or children [~~under the age of eighteen, or a student under the age of twenty-three~~] who were under the age of twenty-five when the death of the member occurred, on account of the death of the deceased member:

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

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.