§ 208-b. Death benefits for beneficiaries of certain police officers and firefighters. 1. Notwithstanding any other provision of law, and in addition to any benefits otherwise provided, death benefit may be payable upon the death of a regular member of a police department or police force or of a fire department in a county not wholly contained within a city, a city having a population of less than one million, or a town, village, or other subdivision of government, or agency of such a county having a regular police department or force or fire department, hereinafter referred to as a municipality, if, upon application therefor, the chief officer of the municipality maintaining such department or force shall determine, on the basis of the evidence, that such member:

a. Died within one year after, and as the natural and proximate result of injuries sustained at a definite time and place and incurred in the performance of duty as a member of such department or force, and

b. Did not cause such accident by his own wilful negligence.

2. The death benefit shall be paid by the municipality upon the allowance of the claim therefor, and shall consist of:

a. An amount equal to the salary received by such member either during the year immediately preceding his death, or during the year preceding such injuries, whichever is greater and

b. One thousand dollars, or ten percent of the deceased member's final salary, whichever is higher, payable for each child of such member under eighteen on the date of the member's death.

3. The death benefit shall be paid to:

a. The member's widow, or if he shall leave no widow, or if his widow shall die before receiving the total of the amounts provided in subdivision two hereof, then to

b. His child or children under age eighteen, in equal amounts.

4. Application for death benefit shall be made:

a. By the member's widow.

b. By any of his children.

c. By any person in behalf of the widow or children.

5. Application for death benefit shall be made:

a. To the chief fiscal officer of the municipality, on a form to be prescribed and supplied by him and requiring such information as he shall determine necessary.

b. Within thirty days after the death of the member, provided, however, that failure to file the application within thirty days may be excused on petition to and order of a justice of the supreme court having jurisdiction, upon a showing either

1. That a sufficient reason exists why such notice was not given.

2. That a report or other notice was made or given to the department or force of the injuries within the thirty day period.

3. That the municipality has not been prejudiced by the delay in giving the notice.