§ 360-a. Guaranteed ordinary death benefit payable upon death of state employees. a. Upon the death in service of a member who was in the employ of the state on March thirty-first, nineteen hundred sixty-nine, and whose beneficiary was eligible for the ordinary death benefit pursuant to section three hundred sixty of this chapter, or would have been eligible had the state employee had one year or more of service, such beneficiary shall receive an ordinary death benefit payable pursuant to section three hundred sixty, or, in lieu of such ordinary death benefit, the benefit payable pursuant to this section, whichever is greater.

aa. Upon the death in service of a member on or after April first, nineteen hundred seventy, who (1) entered or reentered the employ of the state after March thirty-first, nineteen hundred sixty-nine and prior to April first, nineteen hundred eighty-five, and was in such employ on March thirty-first, nineteen hundred eighty-five, (2) had not attained age sixty at the date of such entrance into such service, (3) had rendered ninety or more days of continuous state service during the fifteen month period immediately preceding death, (4) last joined or rejoined a public retirement system thereof before July first, nineteen hundred seventy-three, and (5) whose beneficiary was eligible for the ordinary death benefit pursuant to section three hundred sixty of this chapter, or would have been eligible had the employee had one year or more of state service, such beneficiary shall receive an ordinary death benefit payable pursuant to section three hundred sixty of this chapter, or, in lieu of such ordinary death benefit, the benefit payable pursuant to this section, whichever is greater.

aaa. Provided further, notwithstanding any other provision of this article to the contrary, where the member is an officer or member of the state police and would have been entitled to a service retirement benefit at the time of his or her death and where his or her death occurs on or after July first, two thousand, the beneficiary or beneficiaries may elect to receive, in a lump sum, an amount payable which shall be equal to the pension reserve that would have been established had the member retired on the date of his or her death, or the value of the death benefit and the

reserve-for-increased-take-home-pay, if any, whichever is greater. Provided further, that for the purpose of determining entitlement to the benefit provided by this subdivision, and notwithstanding the provisions of subdivision j of section three hundred forty-one of this article, the total number of days of unused sick leave and accumulated vacation credit accrued by the member at the time of his or her death shall be considered in meeting the total creditable service required to qualify for a service retirement benefit provided without regard to age where his or her death occurs on or after July second, two thousand nine.

b. The guaranteed ordinary death benefit provided under this section to such a beneficiary shall be three times the compensation earnable by the state employee during his last twelve months of service as a member, raised to the next higher multiple of one thousand dollars, but in no event, greater than twenty thousand dollars.

c. For the purposes of this section an employee who dies while off the payroll shall be considered to be in service provided he or she (1) was on the payroll in such service and paid within a period of twelve months prior to his or her death, or was on the payroll in the service upon which membership is based at the time he or she was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code and died while on such active duty or service in the uniformed services on or after June fourteenth, two thousand five, (2) had not been otherwise gainfully employed since he or she ceased to be on such payroll and (3) had credit for at least one year of continuous service since he or she last entered or reentered the service of his or her employer. Provided, further, that any such member ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code who died prior to rendering the minimum amount of service necessary to be eligible for this benefit shall be considered to have satisfied the minimum service requirement.

d. The provisions of this section shall apply in any case where death

occurs on or after the date this section becomes law and prior to July first, nineteen hundred seventy-four.