

ASSEMBLY, No. 1660

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Increases accidental death benefit for surviving spouse or surviving children of certain PERS members and retirants; provides accidental death benefit to beneficiary of certain PERS and PFRS members and retirants; redefines child.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/8/2021)

A1660 QUIJANO

2

1 **AN ACT** concerning the accidental death benefit for beneficiaries of
2 law enforcement officers, correction officers, and firefighters in
3 the Public Employees' Retirement System and the Police and
4 Firemen's Retirement System, and amending and supplementing
5 P.L.1954, c.84 (C.43:15A-1 et seq.) and P.L.1944, c.255
6 (C.43:16A-1 et seq.).

7
8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10
11 1. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read as
12 follows:

13 6. As used in this act:

14 a. "Accumulated deductions" means the sum of all the amounts,
15 deducted from the compensation of a member or contributed by or on
16 behalf of the member, standing to the credit of the member's individual
17 account in the annuity savings fund.

18 b. "Annuity" means payments for life derived from the
19 accumulated deductions of a member as provided in this act.

20 c. "Annuity reserve" means the present value of all payments to
21 be made on account of any annuity or benefit in lieu of an annuity,
22 granted under the provisions of this act, computed on the basis of such
23 mortality tables recommended by the actuary as the board of trustees
24 adopts, with regular interest.

25 d. "Beneficiary" means any person receiving a retirement
26 allowance or other benefit as provided in this act.

27 e. "Child" means a deceased member's unmarried child either (1)
28 under the age of 18 or (2) of any age who, at the time of the member's
29 death, is disabled because of an intellectual disability or physical
30 incapacity, is unable to do any substantial, gainful work because of the
31 impairment and the impairment has lasted or can be expected to last
32 for a continuous period of not less than 12 months, as affirmed by the
33 medical board.

34 With respect to a law enforcement officer, correction officer, or
35 firefighter member or retirant who was ineligible for membership in
36 the Police and Firemen's Retirement System, "child" means a
37 deceased member's or retirant's unmarried child either (1) under the
38 age of 18, or (2) 18 years of age or older and enrolled in a secondary
39 school, or (3) under the age of 24 and enrolled in a degree program in
40 an institution of higher education for at least 12 credit hours in each
41 semester, provided that the member or retirant died as a result of an
42 accident met in the actual performance of duty at some definite time
43 and place, and the death was not the result of the member's or
44 retirant's willful misconduct, or (4) of any age who, at the time of the
45 member's or retirant's death, is disabled because of an intellectual
46 disability or physical incapacity, is unable to do any substantial,
47 gainful work because of the impairment and his or her impairment has

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 lasted or can be expected to last for a continuous period of not less
2 than 12 months, as affirmed by the medical board.

3 f. "Parent" shall mean the parent of a member who was receiving
4 at least **【1/2】** half of the parent's support from the member in the 12-
5 month period immediately preceding the member's death or the
6 accident which was the direct cause of the member's death. The
7 dependency of such a parent will be considered terminated by
8 marriage of the parent subsequent to the death of the member.

9 With respect to a law enforcement officer, correction officer, or
10 firefighter member or retirant who was ineligible for membership in
11 the Police and Firemen's Retirement System, "parent" means the
12 parent of a member or retirant who was receiving at least half of the
13 parent's support from the member or retirant in the 12-month period
14 immediately preceding the member's or retirant's death or the accident
15 which was the direct cause of the member's or retirant's death. The
16 dependency of such a parent will be considered terminated by
17 marriage of the parent subsequent to the death of the member or
18 retirant.

19 g. (1) "Widower," for employees of the State, means the man to
20 whom a member was married, or a domestic partner as defined in
21 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
22 date of her death and to whom she continued to be married or a
23 domestic partner until the date of her death and who was receiving at
24 least **【1/2】** half of his support from the member in the 12-month
25 period immediately preceding the member's death or the accident
26 which was the direct cause of the member's death. The dependency of
27 such a widower will be considered terminated by marriage of, or
28 establishment of a domestic partnership by, the widower subsequent to
29 the death of the member. In the event of the payment of an accidental
30 death benefit, the five-year qualification shall be waived.

31 (2) Subject to the provisions of paragraph (3) of this subsection,
32 "widower," for employees of public employers other than the State,
33 means the man to whom a member was married at least five years
34 before the date of her death and to whom she continued to be married
35 until the date of her death and who was receiving at least **【1/2】** half of
36 his support from the member in the 12-month period immediately
37 preceding the member's death or the accident which was the direct
38 cause of the member's death. The dependency of such a widower shall
39 be considered terminated by marriage of the widower subsequent to
40 the death of the member. In the event of the payment of an accidental
41 death benefit, the five-year qualification shall be waived.

42 (3) A public employer other than the State may adopt a resolution
43 providing that the term "widower" as defined in paragraph (2) of this
44 subsection shall include domestic partners as provided in paragraph (1)
45 of this subsection.

46 (4) With respect to a law enforcement officer, correction officer, or
47 firefighter member or retirant who was ineligible for membership in
48 the Police and Firemen's Retirement System, the provisions of

1 paragraphs (1) through (3) of this subsection shall apply in the case of
2 a member or a retirant.

3 h. (1) "Final compensation" means the average annual
4 compensation for which contributions are made for the three years of
5 creditable service in New Jersey immediately preceding the member's
6 retirement or death, or it shall mean the average annual compensation
7 for New Jersey service for which contributions are made during any
8 three fiscal years of his or her membership providing the largest
9 possible benefit to the member or the member's beneficiary.

10 (2) In the case of a person who becomes a member of the
11 retirement system on or after the effective date of P.L.2010, c.1, "final
12 compensation" means the average annual compensation for which
13 contributions are made for the five years of creditable service in New
14 Jersey immediately preceding the member's retirement or death, or it
15 shall mean the average annual compensation for New Jersey service
16 for which contributions are made during any five fiscal years of his or
17 her membership providing the largest possible benefit to the member
18 or the member's beneficiary.

19 i. "Fiscal year" means any year commencing with July 1 and
20 ending with June 30 next following.

21 j. "Medical board" shall mean the board of physicians provided
22 for in section 17 of P.L.1954, c.84 (C.43:15A-17).

23 k. "Pension" means payments for life derived from appropriations
24 made by the employer as provided in this act.

25 l. "Pension reserve" means the present value of all payments to
26 be made on account of any pension or benefit in lieu of a pension
27 granted under the provisions of this act, computed on the basis of such
28 mortality tables recommended by the actuary as the board of trustees
29 adopts, with regular interest.

30 m. "Public Employees' Retirement System of New Jersey,"
31 hereinafter referred to as the "retirement system" or "system," is the
32 corporate name of the arrangement for the payment of retirement
33 allowances and other benefits under the provisions of this act including
34 the several funds placed under said system. By that name all of its
35 business shall be transacted, its funds invested, warrants for money
36 drawn, and payments made and all of its cash and securities and other
37 property held.

38 n. "Regular interest" shall mean interest as determined by the
39 State Treasurer, after consultation with the Directors of the Divisions
40 of Investment and Pensions, the board of trustees and the actuary. It
41 shall bear a reasonable relationship to the percentage rate of earnings
42 on investments based on the market value of the assets but shall not
43 exceed the assumed percentage rate of increase applied to salaries plus
44 3%, provided however that the board of trustees shall not set the
45 average percentage rate of increase applied to salaries below 6%.

46 o. "Retirement allowance" means the pension plus the annuity.

47 p. "Veteran" means any honorably discharged officer, soldier,
48 sailor, airman, marine or nurse who served in any Army, Air Force or

1 Navy of the Allies of the United States in World War I, between July
2 14, 1914, and November 11, 1918, or who served in any Army, Air
3 Force or Navy of the Allies of the United States in World War II,
4 between September 1, 1939, and September 2, 1945, and who was
5 inducted into such service through voluntary enlistment, and was a
6 citizen of the United States at the time of such enlistment, and who did
7 not, during or by reason of such service, renounce or lose United
8 States citizenship, and any officer, soldier, sailor, marine, airman,
9 nurse or army field clerk, who has served in the active military or
10 naval service of the United States and has or shall be discharged or
11 released therefrom under conditions other than dishonorable, in any of
12 the following wars, uprisings, insurrections, expeditions, or
13 emergencies, and who has presented to the retirement system evidence
14 of such record of service in form and content satisfactory to said
15 retirement system:

16 (1) The Indian wars and uprisings during any of the periods
17 recognized by the War Department of the United States as periods of
18 active hostility;

19 (2) The Spanish-American War between April 20, 1898, and April
20 11, 1899;

21 (3) The Philippine insurrections and expeditions during the periods
22 recognized by the War Department of the United States as of active
23 hostility from February 4, 1899, to the end of 1913;

24 (4) The Peking relief expedition between June 20, 1900, and May
25 27, 1902;

26 (5) The army of Cuban occupation between July 18, 1898, and
27 May 20, 1902;

28 (6) The army of Cuban pacification between October 6, 1906, and
29 April 1, 1909;

30 (7) The Mexican punitive expedition between March 14, 1916, and
31 February 7, 1917;

32 (8) The Mexican border patrol, having actually participated in
33 engagements against Mexicans between April 12, 1911, and June 16,
34 1919;

35 (9) World War I, between April 6, 1917, and November 11, 1918;

36 (10) World War II, between September 16, 1940, and December
37 31, 1946, who shall have served at least 90 days in such active service,
38 exclusive of any period of assignment (1) for a course of education or
39 training under the Army Specialized Training Program or the Navy
40 College Training Program which course was a continuation of a
41 civilian course and was pursued to completion, or (2) as a cadet or
42 midshipman at one of the service academies any part of which 90 days
43 was served between said dates; provided, that any person receiving an
44 actual service-incurred injury or disability shall be classed as a veteran
45 whether or not that person has completed the 90-day service as herein
46 provided;

47 (11) Korean conflict on or after June 23, 1950, and on or prior to
48 January 31, 1955, who shall have served at least 90 days in such active

1 service, exclusive of any period of assignment (1) for a course of
2 education or training under the Army Specialized Training Program or
3 the Navy College Training Program which course was a continuation
4 of a civilian course and was pursued to completion, or (2) as a cadet or
5 midshipman at one of the service academies, any part of which 90
6 days was served between said dates; provided, that any person
7 receiving an actual service-incurred injury or disability shall be classed
8 as a veteran whether or not that person has completed the 90-day
9 service as herein provided; and provided further, that any member
10 classed as a veteran pursuant to this paragraph prior to August 1, 1966,
11 shall continue to be classed as a veteran whether or not that person
12 completed the 90-day service between said dates as herein provided;

13 (12) Lebanon crisis, on or after July 1, 1958, who has served in
14 Lebanon or on board any ship actively engaged in patrolling the
15 territorial waters of that nation for a period, continuous or in the
16 aggregate, of at least 14 days commencing on or before November 1,
17 1958 or the date of termination of that conflict, as proclaimed by the
18 President of the United States or Congress, whichever date of
19 termination is the latest, in such active service; provided, that any
20 person receiving an actual service-incurred injury or disability shall be
21 classed as a veteran whether or not that person has completed the 14
22 days' service as herein provided;

23 (13) Vietnam conflict on or after December 31, 1960, and on or
24 prior to May 7, 1975, who shall have served at least 90 days in such
25 active service, exclusive of any period of assignment (1) for a course
26 of education or training under the Army Specialized Training Program
27 or the Navy College Training Program which course was a
28 continuation of a civilian course and was pursued to completion, or (2)
29 as a cadet or midshipman at one of the service academies, any part of
30 which 90 days was served between said dates; and exclusive of any
31 service performed pursuant to the provisions of section 511(d) of Title
32 10, United States Code, pursuant to an enlistment in the Army
33 National Guard or as a reserve for service in the Army Reserve, Naval
34 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
35 Reserve; provided, that any person receiving an actual service-incurred
36 injury or disability shall be classed as a veteran whether or not that
37 person has completed the 90 days' service as herein provided;

38 (14) Lebanon peacekeeping mission, on or after September 26,
39 1982, who has served in Lebanon or on board any ship actively
40 engaged in patrolling the territorial waters of that nation for a period,
41 continuous or in the aggregate, of at least 14 days commencing on or
42 before December 1, 1987 or the date of termination of that mission, as
43 proclaimed by the President of the United States or Congress,
44 whichever date of termination is the latest, in such active service;
45 provided, that any person receiving an actual service-incurred injury or
46 disability shall be classed as a veteran whether or not that person has
47 completed the 14 days' service as herein provided;

1 (15) Grenada peacekeeping mission, on or after October 23, 1983,
2 who has served in Grenada or on board any ship actively engaged in
3 patrolling the territorial waters of that nation for a period, continuous
4 or in the aggregate, of at least 14 days commencing on or before
5 November 21, 1983 or the date of termination of that mission, as
6 proclaimed by the President of the United States or Congress,
7 whichever date of termination is the latest, in such active service;
8 provided, that any person receiving an actual service-incurred injury or
9 disability shall be classed as a veteran whether or not that person has
10 completed the 14 days' service as herein provided;

11 (16) Panama peacekeeping mission, on or after December 20, 1989
12 or the date of inception of that mission, as proclaimed by the President
13 of the United States or Congress, whichever date of inception is
14 earliest, who has served in Panama or on board any ship actively
15 engaged in patrolling the territorial waters of that nation for a period,
16 continuous or in the aggregate, of at least 14 days commencing on or
17 before January 31, 1990 or the date of termination of that mission, as
18 proclaimed by the President of the United States or Congress,
19 whichever date of termination is the latest, in such active service;
20 provided, that any person receiving an actual service-incurred injury or
21 disability shall be classed as a veteran whether or not that person has
22 completed the 14 days' service as herein provided;

23 (17) Operation "Desert Shield/Desert Storm" mission in the
24 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
25 the date of inception of that operation, as proclaimed by the President
26 of the United States or Congress, whichever date of inception is
27 earliest, who has served in the Arabian peninsula or on board any ship
28 actively engaged in patrolling the Persian Gulf for a period, continuous
29 or in the aggregate, of at least 14 days commencing on or before the
30 date of termination of that mission, as proclaimed by the President of
31 the United States or Congress, whichever date of termination is the
32 latest, in such active service; provided, that any person receiving an
33 actual service-incurred injury or disability shall be classed as a veteran
34 whether or not that person has completed the 14 days' service as herein
35 provided;

36 (18) Operation Northern Watch and Operation Southern Watch, on
37 or after August 27, 1992, or the date of inception of that operation, as
38 proclaimed by the President of the United States, Congress or United
39 States Secretary of Defense, whichever date of inception is earliest,
40 who served in the theater of operation, including in the Arabian
41 peninsula and the Persian Gulf, and in direct support of that operation
42 for a period, continuously or in the aggregate, of at least 14 days in
43 such active service, commencing on or before the date of termination
44 of that operation, as proclaimed by the President of the United States,
45 Congress or United States Secretary of Defense, whichever date of
46 termination is the latest; provided, that any person receiving an actual
47 service-incurred injury or disability while engaged in such service

1 shall be classed as a veteran whether or not that person has completed
2 the 14 days' service as herein provided;

3 (19) Operation "Restore Hope" in Somalia, on or after December
4 5, 1992, or the date of inception of that operation as proclaimed by the
5 President of the United States or Congress, whichever date is earliest,
6 who has served in Somalia or on board any ship actively engaged in
7 patrolling the territorial waters of that nation for a period, continuously
8 or in the aggregate, of at least 14 days in such active service
9 commencing on or before March 31, 1994; provided that any person
10 receiving an actual service-incurred injury or disability shall be classed
11 as a veteran whether or not that person has completed the 14-day
12 service as herein provided;

13 (20) Operations "Joint Endeavor" and "Joint Guard" in the
14 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
15 who served in such active service in direct support of one or both of
16 the operations for at least 14 days, continuously or in the aggregate,
17 commencing on or before June 20, 1998 and (1) was deployed in that
18 nation or in another area in the region, or (2) was on board a United
19 States naval vessel operating in the Adriatic Sea, or (3) operated in
20 airspace above the Republic of Bosnia and Herzegovina; provided that
21 any person receiving an actual service-incurred injury or disability
22 shall be classed as a veteran whether or not that person completed the
23 14-day service requirement;

24 (21) Operation "Enduring Freedom", on or after September 11,
25 2001, who served in a theater of operation and in direct support of that
26 operation for a period, continuously or in the aggregate, of at least 14
27 days in such active service commencing on or before the date the
28 President of the United States or the United States Secretary of
29 Defense designates as the termination date of that operation; provided,
30 that any person receiving an actual service-incurred injury or disability
31 while engaged in such service shall be classed as a veteran whether or
32 not that person has completed the 14 days' service as herein provided;
33 and

34 (22) Operation "Iraqi Freedom", on or after the date the President
35 of the United States or the United States Secretary of Defense
36 designates as the inception date of that operation, who served in Iraq
37 or in another area in the region in direct support of that operation for a
38 period, continuously or in the aggregate, of at least 14 days in such
39 active service commencing on or before the date the President of the
40 United States or the United States Secretary of Defense designates as
41 the termination date of that operation; provided, that any person
42 receiving an actual service-incurred injury or disability while engaged
43 in such service shall be classed as a veteran whether or not that person
44 has completed the 14 days' service as herein provided.

45 "Veteran" also means any honorably discharged member of the
46 American Merchant Marine who served during World War II and is
47 declared by the United States Department of Defense to be eligible for
48 federal veterans' benefits.

1 q. (1) "Widow," for employees of the State, means the woman to
2 whom a member was married, or a domestic partner as defined in
3 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
4 date of his death and to whom he continued to be married or a
5 domestic partner until the date of his death and who was receiving at
6 least **【1/2】** half of her support from the member in the 12-month
7 period immediately preceding the member's death or the accident
8 which was the direct cause of the member's death. The dependency of
9 such a widow will be considered terminated by the marriage of, or
10 establishment of a domestic partnership by, the widow subsequent to
11 the member's death. In the event of the payment of an accidental death
12 benefit, the five-year qualification shall be waived.

13 (2) Subject to the provisions of paragraph (3) of this subsection,
14 "widow," for employees of public employers other than the State,
15 means the woman to whom a member was married at least five years
16 before the date of his death and to whom he continued to be married
17 until the date of his death and who was receiving at least **【1/2】** half of
18 her support from the member in the 12-month period immediately
19 preceding the member's death or the accident which was the direct
20 cause of the member's death. The dependency of such a widow shall
21 be considered terminated by the marriage of the widow subsequent to
22 the member's death. In the event of the payment of an accidental death
23 benefit, the five-year qualification shall be waived.

24 (3) A public employer other than the State may adopt a resolution
25 providing that the term "widow" as defined in paragraph (2) of this
26 subsection shall include domestic partners as provided in paragraph (1)
27 of this subsection.

28 (4) With respect to a law enforcement officer, correction officer, or
29 firefighter member or retirant who was ineligible for membership in
30 the Police and Firemen's Retirement System, the provisions of
31 paragraphs (1) through (3) of this subsection shall apply in the case of
32 a member or a retirant.

33 r. (1) "Compensation" means the base or contractual salary, for
34 services as an employee, which is in accordance with established
35 salary policies of the member's employer for all employees in the same
36 position but shall not include individual salary adjustments which are
37 granted primarily in anticipation of the member's retirement or
38 additional remuneration for performing temporary or extracurricular
39 duties beyond the regular workday or the regular work year.

40 (2) In the case of a person who becomes a member of the
41 retirement system on or after July 1, 2007, "compensation" means the
42 amount of base or contractual salary equivalent to the annual
43 maximum wage contribution base for Social Security, pursuant to the
44 Federal Insurance Contributions Act, for services as an employee,
45 which is in accordance with established salary policies of the
46 member's employer for all employees in the same position but shall
47 not include individual salary adjustments which are granted primarily
48 in anticipation of the member's retirement or additional remuneration

1 for performing temporary or extracurricular duties beyond the regular
2 workday or the regular work year. This paragraph shall not apply to a
3 person who at the time of enrollment in the retirement system on or
4 after July 1, 2007 transfers service credit from another State-
5 administered retirement system pursuant to section 14 of P.L.1954,
6 c.84 (C.43:15A-14), but shall apply to a former member of the
7 retirement system who has been granted a retirement allowance and is
8 reenrolled in the retirement system on or after July 1, 2007 pursuant to
9 section 27 of P.L.1966, c.217 (C.43:15A-57.2) after becoming
10 employed again in a position that makes the person eligible to be a
11 member of the retirement system.

12 In cases where salary includes maintenance, the retirement system
13 shall fix the value of that part of the salary not paid in money which
14 shall be considered under this act.

15 For the period of July 1, 2009 through June 30, 2011, "contractual
16 salary" for State employees shall include across the board negotiated
17 wage increases under a collective negotiations agreement that were
18 payable to all State employees covered by that agreement
19 notwithstanding that, by amendment to that collective negotiations
20 agreement, the effective date of the contractual increase has been
21 deferred. For the purpose of this paragraph, "State employee" means
22 an employee in the Executive Branch or the Judicial Branch of State
23 government of New Jersey or an employee of the State University
24 authorized to participate in the system under subsection b. of section
25 73 of P.L.1954, c.84 (C.43:15A-73), but shall not include employees
26 of agencies authorized to participate in the system under subsections
27 a., c., d., e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or
28 under P.L.1990, c.25 (C.43:15A-73.2 et al.).

29 For the period of July 1, 2009 through June 30, 2011, "contractual
30 salary" for county and municipal employees shall include across the
31 board negotiated wage increases under a collective negotiations
32 agreement that were payable to all county or all municipal employees
33 covered by that agreement notwithstanding that, by amendment to that
34 collective negotiations agreement which has been filed with the
35 Division of Pensions and Benefits, the effective date of the contractual
36 increase has been deferred. For the purpose of this paragraph, "county
37 and municipal employees" means all persons employed by a county or
38 municipality in this State.
39 (cf: P.L.2010, c.50, s.71)

40

41 2. Section 49 of P.L.1954, c.84 (C.43:15A-49) is amended to read
42 as follows:

43 49. a. Upon the death of a member in active service, other than a
44 law enforcement officer, correction officer, or firefighter member who
45 was ineligible for membership in the Police and Firemen's Retirement
46 System, as a result of:

47 (1) an accident met in the actual performance of duty at some
48 definite time and place, or

1 (2) service in the reserve component of the Armed Forces of the
2 United States or the National Guard in a federal active duty status,

3 and not as the result of his willful negligence, an accidental death
4 benefit shall be payable, if a report of the accident is filed in the office
5 of the retirement system within 60 days next following the accident,
6 but the board of trustees may waive such time limit, for a reasonable
7 period, if in the judgment of the board the circumstances warrant such
8 action.

9 No such application shall be valid or acted upon unless it is filed in
10 the office of the retirement system within five years of the date of such
11 death.

12 b. Upon the receipt of proper proofs of the death of a member on
13 account of which an accidental death benefit is payable, there shall be
14 paid to his widow or widower a pension of 50% of the compensation,
15 upon which contributions by the member to the annuity savings fund
16 were based in the last year of creditable service, for the use of herself
17 or himself and the children of the deceased member, to continue
18 during her or his widowhood; if there is no surviving widow or
19 widower or in case the widow or widower dies or remarries, 20% of
20 such compensation will be payable to one surviving child, 35% of such
21 compensation to two surviving children in equal shares and if there be
22 three or more children, 50% of such compensation will be payable to
23 such children in equal shares. If there is no surviving widow, widower
24 or child, 25% of the compensation upon which contributions by the
25 member to the annuity savings fund were based in the last year of
26 creditable service, will be payable to one surviving parent or 40% of
27 such compensation will be payable to two surviving parents in equal
28 shares. In the event of accidental death occurring in the first year of
29 creditable service, the benefits payable pursuant to this subsection
30 shall be computed at the annual rate of compensation.

31 c. If there is no surviving widow, widower, child or parent, there
32 shall be paid to any other beneficiary of the deceased member his
33 accumulated deductions at the time of death.

34 d. In no case shall the death benefit provided in subsection b. be
35 less than that provided under subsection c.

36 e. In addition to the foregoing benefits payable under subsection
37 b. or c., there shall also be paid in one sum to such member's
38 beneficiary an amount equal to one and one-half times the
39 compensation upon which contributions by the member to the annuity
40 savings fund were based in the last year of creditable service.

41 (cf: P.L.2009, c.23, s.3)

42
43 3. (New section) a. Upon the death of a law enforcement officer,
44 correction officer, or firefighter member or retirant who was ineligible
45 for membership in the Police and Firemen's Retirement System, who
46 died as a result of:

47 (1) an accident met in the actual performance of duty at some
48 definite time and place;

1 (2) service in the reserve component of the Armed Forces of the
2 United States or the National Guard in a federal active duty status; and
3 whose death was not as the result of the member's or retirant's
4 willful negligence, an accidental death benefit shall be payable, if a
5 report of the accident is filed in the office of the retirement system
6 within 60 days next following the accident, but the board of trustees
7 may waive such time limits, for a reasonable period, if in the judgment
8 of the board the circumstances warrant such action, including, but not
9 limited to, a delayed manifestation of the injury or disease resulting
10 from such accident that caused the member's or retirant's death.

11 No such application shall be valid or acted upon unless it is filed in
12 the office of the retirement system within five years of the date of such
13 death.

14 b. Upon the receipt of proper proofs of the death of a member or
15 retirant on account of which an accidental death benefit is payable,
16 there shall be paid to the member's or retirant's widow or widower a
17 pension of 70 percent of the compensation, upon which contributions
18 by the member to the annuity savings fund were based in the last year
19 of creditable service, for the use of the widow or widower, and the
20 children of the deceased member or retirant, to continue during her or
21 his widowhood. If there is no surviving widow or widower or in case
22 the widow or widower dies or remarries, 70 percent of such
23 compensation shall be payable to the member's or retirant's surviving
24 child or surviving children in equal shares. If there is no surviving
25 widow, widower or child, 25 percent of the compensation upon which
26 contributions by the member or retirant to the annuity savings fund
27 were based in the last year of creditable service shall be payable to one
28 surviving parent or 40 percent of such compensation shall be payable
29 to two surviving parents in equal shares. In the event of accidental
30 death occurring in the first year of creditable service, the benefits
31 payable pursuant to this subsection shall be computed at the annual
32 rate of compensation.

33 c. If there is no surviving widow, widower, child, or parent, there
34 shall be paid to any other beneficiary of the deceased member or
35 retirant the member's or retirant's accumulated deductions at the time
36 of death.

37 d. In no case shall the death benefit provided in subsection b. of
38 this section be less than that provided under subsection c of this
39 section.

40 e. In addition to the foregoing benefits payable under subsection
41 b. or c. of this section, there shall also be paid in one sum to such
42 member's or retirant's beneficiary an amount equal to one and one-
43 half times the compensation upon which contributions by the member
44 or retirant to the annuity savings fund were based in the last year of
45 creditable service.

46 f. An individual who has been determined by the federal Bureau
47 of Justice Assistance to be eligible to receive a death benefit under the
48 "Public Safety Officers' Benefits Act of 1976" (34 U.S.C.S. s.10281 et

1 seq.) based upon the death of a law enforcement officer, correction
2 officer, or firefighter member or retirant who was ineligible for
3 membership in the Police and Firemen's Retirement System shall be
4 eligible to receive the benefit provided under and in accordance with
5 subsection b. of this section.

6
7 4. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to
8 read as follows:

9 1. As used in this act:

10 (1) "Retirement system" or "system" shall mean the Police and
11 Firemen's Retirement System of New Jersey as defined in section 2
12 of this act.

13 (2) (a) "Policeman" shall mean a permanent, full-time employee
14 of a law enforcement unit as defined in section 2 of P.L.1961, c.56
15 (C.52:17B-67) or the State, other than an officer or trooper of the
16 Division of State Police whose position is covered by the State
17 Police Retirement System, whose primary duties include the
18 investigation, apprehension or detention of persons suspected or
19 convicted of violating the criminal laws of the State and who:

20 (i) is authorized to carry a firearm while engaged in the actual
21 performance of his official duties;

22 (ii) has police powers;

23 (iii) is required to complete successfully the training
24 requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or
25 comparable training requirements as determined by the board of
26 trustees; and

27 (iv) is subject to the physical and mental fitness requirements
28 applicable to the position of municipal police officer established by
29 an agency authorized to establish these requirements on a Statewide
30 basis, or comparable physical and mental fitness requirements as
31 determined by the board of trustees.

32 The term shall also include an administrative or supervisory
33 employee of a law enforcement unit or the State whose duties
34 include general or direct supervision of employees engaged in
35 investigation, apprehension or detention activities or training
36 responsibility for these employees and a requirement for
37 engagement in investigation, apprehension or detention activities if
38 necessary, and who is authorized to carry a firearm while in the
39 actual performance of his official duties and has police powers.

40 (b) "Fireman" shall mean a permanent, full-time employee of a
41 firefighting unit whose primary duties include the control and
42 extinguishment of fires and who is subject to the training and
43 physical and mental fitness requirements applicable to the position
44 of municipal firefighter established by an agency authorized to
45 establish these requirements on a Statewide basis, or comparable
46 training and physical and mental fitness requirements as determined
47 by the board of trustees. The term shall also include an
48 administrative or supervisory employee of a firefighting unit whose

1 duties include general or direct supervision of employees engaged
2 in fire control and extinguishment activities or training
3 responsibility for these employees and a requirement for
4 engagement in fire control and extinguishment activities if
5 necessary. As used in this paragraph, "firefighting unit" shall mean
6 a municipal fire department, a fire district, or an agency of a county
7 or the State which is responsible for control and extinguishment of
8 fires.

9 (3) "Member" shall mean any policeman or fireman included in
10 the membership of the retirement system pursuant to this
11 amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6
12 et al.).

13 (4) "Board of trustees" or "board" shall mean the board provided
14 for in section 13 of this act.

15 (5) "Medical board" shall mean the board of physicians
16 provided for in section 13 of this act.

17 (6) "Employer" shall mean the State of New Jersey, the county,
18 municipality or political subdivision thereof which pays the
19 particular policeman or fireman.

20 (7) "Service" shall mean service as a policeman or fireman paid
21 for by an employer.

22 (8) "Creditable service" shall mean service rendered for which
23 credit is allowed as provided under section 4 of this act.

24 (9) "Regular interest" shall mean interest as determined by the
25 State Treasurer, after consultation with the actuary. It shall bear a
26 reasonable relationship to the percentage rate of earnings on
27 investments based on the market value of assets but shall not exceed
28 the assumed percentage rate of increase applied to salaries plus 3%,
29 provided however that the board of trustees shall not set the average
30 percentage rate of increase applied to salaries below 6%. This rate
31 shall be distinct from any internally targeted rates used for
32 developing investment policy by the board of trustees pursuant to
33 section 13 of P.L.1944, c.255 (C.43:16A-13).

34 (10) "Aggregate contributions" shall mean the sum of all the
35 amounts, deducted from the compensation of a member or
36 contributed by him or on his behalf, standing to the credit of his
37 individual account in the annuity savings fund.

38 (11) "Annuity" shall mean payments for life derived from the
39 aggregate contributions of a member.

40 (12) "Pension" shall mean payments for life derived from
41 contributions by the employer.

42 (13) "Retirement allowance" shall mean the pension plus the
43 annuity.

44 (14) "Earnable compensation" shall mean the full rate of the
45 salary that would be payable to an employee if he worked the full
46 normal working time for his position. In cases where salary
47 includes maintenance, the retirement system shall fix the value of

1 that part of the salary not paid in money which shall be considered
2 under this act.

3 (15) "Average final compensation" shall mean final
4 compensation.

5 (16) "Retirement" shall mean the termination of the member's
6 active service with a retirement allowance granted and paid under
7 the provisions of this act.

8 (17) "Annuity reserve" shall mean the present value of all
9 payments to be made on account of any annuity or benefit in lieu of
10 any annuity computed upon the basis of such mortality tables
11 recommended by the actuary as shall be adopted by the board of
12 trustees, and regular interest.

13 (18) "Pension reserve" shall mean the present value of all
14 payments to be made on account of any pension or benefit in lieu of
15 any pension computed upon the basis of such mortality tables
16 recommended by the actuary as shall be adopted by the board of
17 trustees, and regular interest.

18 (19) "Actuarial equivalent" shall mean a benefit of equal value
19 when computed upon the basis of such mortality tables
20 recommended by the actuary as shall be adopted by the board of
21 trustees, and regular interest.

22 (20) "Beneficiary" shall mean any person receiving a retirement
23 allowance or other benefit as provided by this act.

24 (21) "Child" shall mean a deceased member's or retirant's
25 unmarried child (a) under the age of 18, or (b) 18 years of age or
26 older and enrolled in a secondary school, or (c) under the age of 24
27 and enrolled in a degree program in an institution of higher
28 education for at least 12 credit hours in each semester, provided that
29 the member or retirant died **in active service** as a result of an
30 accident met in the actual performance of duty at some definite time
31 and place, and the death was not the result of the member's or
32 retirant's willful misconduct, or (d) of any age who, at the time of
33 the member's or retirant's death, is disabled because of an
34 intellectual disability or physical incapacity, is unable to do any
35 substantial, gainful work because of the impairment and his or her
36 impairment has lasted or can be expected to last for a continuous
37 period of not less than 12 months, as affirmed by the medical board.

38 (22) "Parent" shall mean the parent of a member or retirant who
39 was receiving at least one-half of his support from the member or
40 retirant in the 12-month period immediately preceding the member's
41 or retirant's death or the accident which was the direct cause of the
42 member's or retirant's death. The dependency of such a parent will
43 be considered terminated by marriage of the parent subsequent to
44 the death of the member or retirant.

45 (23) (a) "Widower," for employees of the State, means the man
46 to whom a member or retirant was married, or a domestic partner as
47 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
48 her death and who has not since remarried or established a domestic

1 partnership. In the event of the payment of accidental death
2 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
3 the restriction concerning remarriage or establishment of a domestic
4 partnership shall be waived.

5 (b) Subject to the provisions of paragraph (c) of this subsection,
6 "widower," for employees of public employers other than the State,
7 means the man to whom a member or retirant was married on the
8 date of her death and who has not remarried.

9 (c) A public employer other than the State may adopt a
10 resolution providing that the term "widower" as defined in
11 paragraph (b) of this subsection shall include domestic partners as
12 provided in paragraph (a) of this subsection.

13 (24) (a) "Widow," for employees of the State, means the woman
14 to whom a member or retirant was married, or a domestic partner as
15 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of
16 his death and who has not since remarried or established a domestic
17 partnership. In the event of the payment of accidental death
18 benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10),
19 the restriction concerning remarriage or establishment of a domestic
20 partnership shall be waived.

21 (b) Subject to the provisions of paragraph (c) of this subsection,
22 "widow," for employees of public employers other than the State,
23 means the woman to whom a member or retirant was married on the
24 date of his death and who has not remarried.

25 (c) A public employer other than the State may adopt a
26 resolution providing that the term "widow" as defined in paragraph
27 (b) of this subsection shall include domestic partners as provided in
28 paragraph (a) of this subsection.

29 (25) "Fiscal year" shall mean any year commencing with July 1,
30 and ending with June 30, next following.

31 (26) (a) "Compensation" shall mean the base salary, for services
32 as a member as defined in this act, which is in accordance with
33 established salary policies of the member's employer for all
34 employees in the same position but shall not include individual
35 salary adjustments which are granted primarily in anticipation of
36 the member's retirement or additional remuneration for performing
37 temporary duties beyond the regular workday.

38 (b) In the case of a person who becomes a member of the
39 retirement system on or after the effective date of P.L.2010, c.1,
40 "compensation" means the amount of base salary equivalent to the
41 annual maximum wage contribution base for Social Security,
42 pursuant to the Federal Insurance Contributions Act, for services as
43 a member as defined in this act, which is in accordance with
44 established salary policies of the member's employer for all
45 employees in the same position but shall not include individual
46 salary adjustments which are granted primarily in anticipation of
47 the member's retirement or additional remuneration for performing
48 temporary duties beyond the regular workday.

1 (27) "Department" shall mean any police or fire department of a
2 municipality or a fire department of a fire district located in a
3 township or a county police or park police department or the
4 appropriate department of the State or instrumentality thereof.

5 (28) (a) "Final compensation" means the compensation received
6 by the member in the last 12 months of creditable service preceding
7 his retirement or death.

8 (b) In the case of a person who becomes a member of the
9 retirement system on or after the effective date of P.L.2010, c.1,
10 "final compensation" means the average annual compensation for
11 service for which contributions are made during any three fiscal
12 years of membership providing the largest possible benefit to the
13 member or the member's beneficiary.

14 (29) (Deleted by amendment, P.L.1992, c.78).

15 (30) (Deleted by amendment, P.L.1992, c.78).

16 (31) (a) "Spouse," for employees of the State, means the husband
17 or wife, or domestic partner as defined in section 3 of P.L.2003,
18 c.246 (C.26:8A-3), of a member or retirant.

19 (b) Subject to the provisions of paragraph (c) of this subsection,
20 "spouse," for employees of public employers other than the State,
21 means the husband or wife of a member or retirant.

22 (c) A public employer other than the State may adopt a
23 resolution providing that the term "spouse" as defined in paragraph
24 (b) of this subsection shall include domestic partners as provided in
25 paragraph (a) of this subsection.

26 (cf: P.L.2018, c.55, s.7)

27
28 5. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
29 read as follows:

30 10. **[(1)]** a. Upon the death of a member **[in active service]** or
31 retirant as a result of:

32 **[(a)]** (1) an accident met in the actual performance of duty at
33 some definite time and place, or

34 **[(b)]** (2) service in the reserve component of the Armed
35 Forces of the United States or the National Guard in a federal active
36 duty status, and

37 such death was not the result of the member's or retirant's willful
38 negligence, an accidental death benefit shall be payable if a report
39 of the accident is filed in the office of the retirement system within
40 60 days next following the accident, but the board of trustees may
41 waive such time limit, for a reasonable period, if in the judgment of
42 the board the circumstances warrant such action, including, but not
43 limited to, a delayed manifestation of the injury or disease resulting
44 from such accident that caused the member's or retirant's death.

45 No such application shall be valid or acted upon unless it is filed
46 in the office of the retirement system within five years of the date of
47 such death.

1 The provisions of this subsection shall also apply to a member
2 who is a fireman , or retirant who was a fireman, and who dies as a
3 result of an accident met in the actual performance of duty as a
4 volunteer fireman in any municipality in the State, provided the
5 member's or retirant's death was not the result of the member's or
6 retirant's willful negligence.

7 **[(2)] b.** Upon the receipt of proper proofs of the death of a
8 member or retirant on account of which an accidental death benefit
9 is payable, there shall be paid to **[his]** the member's or retirant's
10 widow or widower a pension of 70% of the compensation, upon
11 which contributions by the member or retirant to the annuity
12 savings fund were based in the last year of creditable service, for
13 the use of herself or himself and the children of the deceased
14 member or retirant; if there is no surviving widow or widower or in
15 case the widow or widower dies, 70% of such compensation will be
16 payable to the member's or retirant's surviving child or surviving
17 children in equal shares.

18 If there is no surviving widow, widower or child, 25% of the
19 compensation upon which contributions by the member or retirant
20 to the annuity savings fund were based in the last year of creditable
21 service, will be payable to one surviving dependent parent or 40%
22 of such compensation will be payable to two surviving parents in
23 equal shares.

24 In the event of accidental death occurring in the first year of
25 creditable service, the benefits, payable pursuant to this subsection,
26 shall be computed at the annual rate of compensation.

27 **[(3)] c.** If there is no surviving widow, widower, child or
28 dependent parent, there shall be paid to any other beneficiary of the
29 deceased member or retirant, **[his]** the member's or retirant's
30 aggregate contributions at the time of death.

31 **[(4)] d.** In no case shall the death benefit provided in subsection
32 **[(2)] b.** be less than that provided under subsection **[(3)] c.**

33 **[(5)] e.** In addition to the foregoing benefits payable under
34 subsection **[(2)] b.** or **[(3)] c.**, there shall also be paid in one sum
35 to such beneficiary, if living, as the member or retirant shall have
36 nominated by written designation duly executed and filed with the
37 retirement system, otherwise to the executor or administrator of the
38 member's or retirant's estate, an amount equal to 3 1/2 times the
39 compensation upon which contributions by the member or retirant
40 to the annuity savings fund were based in the last year of creditable
41 service.

42 **[(6)] f.** In addition to the foregoing benefits, the State shall pay
43 to the member's or retirant's employer-sponsored health insurance
44 program all health insurance premiums for the coverage of the
45 member's or retirant's surviving widow or widower and dependent
46 children.

1 g. An individual who has been determined by the federal
2 Bureau of Justice Assistance to be eligible to receive a death benefit
3 under the “Public Safety Officers’ Benefits Act of 1976” (34
4 U.S.C.S. s.10281 et seq.) based upon the death of a member or
5 retirant shall be eligible to receive the benefit provided under and in
6 accordance with subsection b. of this section.

7 (cf: P.L.2016, c.26, s.4)

8
9 6. (New section) The change to the definition of “child” made
10 pursuant to the amendment of section 6 of P.L.1954, c.84 (C.43:15A-
11 6) by P.L. , c. (pending before the Legislature as this bill) and the
12 adjustment in the benefit to a surviving widow or widower or a
13 surviving child or children made pursuant to section 3 of P.L. , c.
14 (C.) (pending before the Legislature as this bill) shall apply to a
15 benefit entitlement initially granted on or after September 11, 2001,
16 and, if granted on or after that date but before the effective date of P.L.
17 , c. (pending before the Legislature as this bill), still in effect on
18 that effective date. The adjustment in the benefit to an individual
19 determined eligible under the “Public Safety Officers’ Benefits Act of
20 1976” (34 U.S.C.S. s.10281 et seq.) made pursuant to section 3 of P.L.
21 , c. (C.) (pending before the Legislature as this bill) shall apply to a
22 benefit entitlement initially granted on or after September 11, 2001,
23 and, if granted on or after that date but before the effective date of P.L.
24 , c. (pending before the Legislature as this bill), still in effect on
25 that effective date.

26 The adjustment in benefits to such widow or widower, child or
27 children, or eligible individual pursuant section 3 of P.L. , c. (C.)
28 (pending before the Legislature as this bill) shall apply to benefit
29 payments made after September 11, 2001. Such widow or widower,
30 child or children, or eligible individual shall be granted a retroactive
31 payment based upon the difference between the benefit the widow or
32 widower, child or children, or eligible individual would have received
33 if the adjustment made pursuant to section 3 of P.L. , c. (C.)
34 (pending before the Legislature as this bill) had been applicable at the
35 date of entitlement and the benefit that the widow or widower, child or
36 children, or eligible individual received from the date of entitlement to
37 the effective date of P.L. , c. (pending before the Legislature as
38 this bill).

39 Notwithstanding the provisions of subsection a. of section 3 of this
40 act, P.L. , c. (C.) (pending before the Legislature as this bill),
41 restricting the accidental death benefit to applications filed within five
42 years of the date of a member’s or retirant’s death, or any other
43 provision of law to the contrary, a widow or widower, child or
44 children, parent, eligible individual, or other beneficiary, as applicable,
45 shall be permitted to file, within 180 date of the effective date of this
46 act, an application for an accidental death benefit based upon the death
47 of a retirant due to an accident met in the actual performance of duty at
48 some definite time and place, or service in the reserve component of

1 the Armed Forces of the United States or the National Guard in a
2 federal active duty status.

3
4 7. (New section) The change to the definition of “child” made
5 pursuant to the amendment of section 1 of P.L.1944, c.255 (C.43:16A-
6 1) by section 4 of this act, P.L. , c. (pending before the
7 Legislature as this bill), and the adjustment in the benefit to a
8 surviving widow or widower or a surviving child or children of a
9 retirant made pursuant to the amendment of section 10 of P.L.1944,
10 c.255 (C.43:16A-10) by section 5 of this act shall apply to a benefit
11 entitlement initially granted on or after September 11, 2001, and, if
12 granted on or after that date but before the effective date of this act,
13 P.L. , c. (pending before the Legislature as this bill), still in effect
14 on that effective date. The adjustment made pursuant to the
15 amendment of section 10 of P.L.1944, c.255 (C.43:16A-10) by section
16 5 of this act in the benefit to an individual determined eligible under
17 the “Public Safety Officers’ Benefits Act of 1976” (34 U.S.C.S.
18 s.10281 et seq.) shall apply to a benefit entitlement initially granted on
19 or after September 11, 2001, and, if granted on or after that date but
20 before the effective date of this act, P.L. , c. (pending before the
21 Legislature as this bill), still in effect on that effective date.

22 The adjustments in benefits pursuant to the amendment of section
23 10 of P.L.1944, c.255 (C.43:16A-10) by section 5 of this act,
24 P.L. , c. (pending before the Legislature as this bill) shall apply to
25 benefit payments made after the effective date of this act. Such
26 individual qualifying for the adjustment pursuant to the amendment of
27 section 10 of P.L.1944, c.255 (C.43:16A-10) by section 5 of this act,
28 P.L. , c. (pending before the Legislature as this bill), shall be
29 granted a retroactive payment based upon the difference between the
30 benefit the individual would have received if the adjustment made
31 pursuant to section 5 of this act had been applicable at the date of
32 entitlement and the benefit that such individual received from the date
33 of entitlement to the effective date of this act, P.L. , c. (pending
34 before the Legislature as this bill).

35 Notwithstanding the provisions of subsection a. of section 10 of
36 P.L.1944, c.255 (C.43:16A-10) restricting the accidental death benefit
37 to applications filed within five years of the date of a member’s or
38 retirant’s death, or any other provision of law to the contrary, a widow
39 or widower, child or children, parent, eligible individual, or other
40 beneficiary, as applicable, shall be permitted to file, within 180 date of
41 the effective date of this act, an application for an accidental death
42 benefit based upon the death of a retirant due to an accident met in the
43 actual performance of duty at some definite time and place, or service
44 in the reserve component of the Armed Forces of the United States or
45 the National Guard in a federal active duty status.

46
47 8. This act shall take effect immediately.

STATEMENT

This bill increases to 70 percent of compensation the accidental death benefit payable to the surviving spouse or surviving child or children of a deceased law enforcement officer, correction officer, or firefighter who was a member of the Public Employees' Retirement System (PERS) and ineligible for membership in the Police and Firemen's Retirement System (PFRS). This bill also changes the definition of child with respect to those members. The bill permits payment of an accidental death benefit to a surviving beneficiary of a retirant of the PFRS or a retirant of the PERS who was ineligible for membership in the PFRS if the accident caused the death of the retirant. The bill also grants eligibility for the death benefit to a person determined by the federal Bureau of Justice Assistance to be eligible to receive a death benefit under the federal "Public Safety Officers' Benefits Act of 1976" based upon the death of a law enforcement officer, correction officer, or firefighter member or retirant of the PERS who was ineligible for membership in the PFRS or member or retirant of the PFRS.

Under current law, an accidental death benefit under PERS is payable when a member dies accidentally in the actual performance of duty, or in active service in the reserve component of the Armed Forces of the United States or the National Guard in a federal active duty status, and not as the result of his or her willful negligence. The member's widow or widower is entitled to a pension of 50 percent of the member's compensation for use by him or her and the children of the deceased member. This payment continues during his or her widowhood. If there is no surviving widow or widower, or in case the widow or widower dies or remarries, 20 percent of that compensation is payable to one surviving child, 35 percent to two surviving children in equal shares, and 50 percent to three or more surviving children in equal shares.

With respect to all law enforcement officers, correction officers, or firefighters in PERS, this bill increases to 70 percent of the member's compensation the accidental death benefit payable to the surviving spouse of the member or retirant, and to the same amount the benefit payable to the member's or retirant's surviving child or children when there is no surviving spouse. This provision will mirror the amounts as provided in the PFRS.

This bill also changes the definition of child with respect to all law enforcement officers, correction officers, and firefighters in PERS. Currently, in that retirement system, "child" is defined as a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the

1 medical board. For those officers and firefighters in PERS, this bill
2 adds to this definition a member's or retirant's child who is (c) 18
3 years of age or older and enrolled in a secondary school, or (d)
4 under the age of 24 and enrolled in a degree program in an
5 institution of higher education for at least 12 credit hours in each
6 semester, provided that the member or retirant died as a result of an
7 accident met in the actual performance of duty at some definite time
8 and place, and the death was not the result of the member's or
9 retirant's willful misconduct. This definition will be the same as the
10 definition of child in the PFRS, as amended to include retirants.

11 Finally, the bill provides that a person determined by the federal
12 Bureau of Justice Assistance to be eligible to receive a death benefit
13 under the federal "Public Safety Officers' Benefits Act of 1976"
14 (PSOB) based upon the death of a law enforcement officer,
15 correction officer, or firefighter member or retirant in the PERS
16 who was ineligible for membership in the PFRS is eligible to
17 receive the accidental death benefit. The bill provides the same
18 eligibility for a person determined by the bureau to be eligible for a
19 death benefit under the PSOB for a member or retirant in the PFRS.

20 If enacted, the change in the definition of child, the amount of
21 the benefit to a surviving spouse, child, or children, and the change
22 in the benefit for an individual determined eligible under the PSOB
23 would apply to a benefit initially granted on or after September 11,
24 2001. The bill provides for an adjustment in the amount of the
25 benefit retroactive to the death of the member or retirement
26 occurring after September 11, 2001. The retroactive payment being
27 based upon the difference between the benefit the beneficiary would
28 have received if the adjustment made pursuant to the bill had been
29 applicable at the date of entitlement and the benefit that the
30 beneficiary received from the date of entitlement to the effective
31 date of the bill.