

ASSEMBLY, No. 5626

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Permits survivors of certain retired members of PFRS to apply for accidental death benefits.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning accidental death benefits of the Police and
2 Firemen’s Retirement System and supplementing Title 43 of the
3 Revised Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. Notwithstanding any law, rule, or regulation to the
9 contrary, the death of a retired member of the Police and Firemen’s
10 Retirement System who qualified for an accidental disability
11 retirement pursuant to section 7 of P.L.1944, c.255 (C.43:16A-7)
12 shall be deemed to have occurred as the result of an accident met in
13 the actual performance of duty at some definite time and place if the
14 retired member’s death is the direct result of the injury that caused
15 the disability, complications therefrom, or the aggravation or
16 acceleration of a preexisting condition caused thereby.

17 b. The retired member’s surviving spouse, surviving child, or
18 surviving dependent parents, as the case may be, may apply to receive
19 accidental death benefits as set forth in section 10 of P.L.1944, c.255
20 (C.43:16A-10), and if approved, the benefits shall be made
21 retroactive to the date of the death of the retired member. Upon the
22 receipt of the proper proof of death of the retired member and that
23 the death of the retired member was the direct result of the injury that
24 caused the disability and not the retired member’s willful negligence,
25 accidental death benefits shall be paid to the survivor.

26 c. If the retired member’s surviving spouse, surviving child, or
27 surviving dependent parents received a payment of 3 1/2 times the
28 retired member’s compensation pursuant to paragraph (3) of section
29 7 of P.L.1944, c.255 (C.43:16A-7) prior to the enactment of P.L. , ,
30 c. (C.)(pending before the Legislature as this bill) and is
31 subsequently approved for accidental death benefits pursuant to
32 P.L. , c. (C.)(pending before the Legislature as this bill), the
33 survivor shall not receive an additional payment of 3 1/2 times the
34 retired member’s compensation under the provisions of section 10 of
35 P.L.1944, c.255 (C.43:16A-10). There shall be only one payment of
36 3 1/2 times the retired member’s compensation to the retired
37 member’s survivor.

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39 2. This act shall take effect immediately.

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STATEMENT

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44 Under current law, only the survivors of active members of the
45 Police and Firemen’s Retirement System receive an accidental death
46 benefit. Under the bill, the death of a retired member who previously
47 qualified for accidental disability benefits will be considered a death
48 during the performance of duties if the retired member’s death is the

1 direct result of the injury caused by the disability, complications
2 therefrom, or the aggravation or acceleration of a preexisting
3 condition caused thereby. Current law is expanded to permit the
4 retired member's surviving spouse, surviving child, or surviving
5 dependent parents, as the case may be, to apply for an accidental
6 death benefit even though the retired member was not an active
7 member of the retirement system upon the death.

8 In order to be approved for accidental death benefits, the bill
9 requires that the survivor provide the receipt of proper proof of death
10 of the retired member and that the death of the retired member was
11 the direct result of the injury caused by the disability and not the
12 retired member's willful negligence. The bill also clarifies that if a
13 survivor is approved for accidental death benefits has already
14 received the 3 1/2 times compensation associated with the accidental
15 disability benefit, the survivor will not receive an additional 3 1/2
16 times compensation associated with the accidental death benefit.