

SENATE, No. 2407

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Extends accidental death benefits to certain members of PFRS, PERS, and SPRS who die from COVID-19.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning accidental death benefits for certain members of
2 the Police and Firemen's Retirement System, Public Employees'
3 Retirement System, and the State Police Retirement System who
4 die from COVID-19 and supplementing P.L.1944, c.255
5 (C.43:16A-1 et seq.), P.L.1954, c.84 (C.43:15A-1 et seq.), and
6 P.L.1965, c.89 (C.53:5A-1 et seq.).

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

10
11 1. For purposes of paragraph (1) of section 10 of P.L.1944, c.255
12 (C.43:16A-10), a member whose death is attributable to COVID-19,
13 complications therefrom, or the aggravation or acceleration of a
14 preexisting condition caused thereby shall be deemed to have occurred
15 as the result of an accident met in the actual performance of duty at some
16 definite time and place if:

17 the member contracts COVID-19 during the public health
18 emergency declared by the Governor beginning March 9, 2020 pursuant
19 to Executive Order No. 103, Executive Order No. 119, and any other
20 executive order subsequently extending such emergency, and the state
21 of emergency declared by the Governor beginning March 9, 2020
22 pursuant to Executive Order No. 103;

23 the member dies as a result of the disease; and

24 the member's regular or assigned duties required the member to
25 interact, and the member so interacted, with the public or to directly
26 supervise other personnel so interacting with the public on any date
27 after declaration of the public health emergency and state of emergency
28 and within 14 calendar days prior to the appearance of symptoms that
29 shall have been confirmed in writing by a licensed health care
30 provider.

31 The filing of an accident report with the Police and Firemen's
32 Retirement System shall not be required for an accidental death benefit
33 allowed pursuant to this section.

34 If a benefit has been approved pursuant to a provision other than this
35 section or section 10 of P.L.1944, c.255 (C.43:16A-10) prior to the
36 effective date of this act, P.L. , c. (pending before the Legislature as
37 this bill), a beneficiary may apply for a benefit pursuant to this section
38 and, if approved, the prior approval shall be rescinded and the benefit
39 pursuant to approval under this section shall be made retroactive to the
40 date of the initial approval of the rescinded benefit.

41 This section shall also apply to a member who was performing
42 regular or assigned duties but not yet enrolled in the Police and
43 Firemen's Retirement System who would otherwise be eligible for a
44 benefit pursuant to this section.

45 This section shall not apply to any member who has retired and
46 subsequently returned to employment pursuant to Executive Order No.
47 115 of 2020 or any other executive order similarly permitting a retired

1 member to return to employment without reenrollment to assist during
2 the public health emergency or state of emergency.

3
4 2. For purposes of paragraph (1) of subsection a. of section 49 of
5 P.L.1954, c.84 (C.43:15A-49), a member who is a law enforcement
6 officer, firefighter, or emergency medical responder and whose death is
7 attributable to COVID-19, complications therefrom, or the aggravation
8 or acceleration of a preexisting condition caused thereby shall be
9 deemed to have occurred as the result of an accident met in the actual
10 performance of duty at some definite time and place if:

11 the law enforcement officer, firefighter, or emergency medical
12 responder contracts COVID-19 during the public health emergency
13 declared by the Governor beginning March 9, 2020 pursuant to
14 Executive Order No. 103, Executive Order No. 119, and any other
15 executive order subsequently extending such emergency, and the state
16 of emergency declared by the Governor beginning March 9, 2020
17 pursuant to Executive Order No. 103;

18 the law enforcement officer, firefighter, or emergency medical
19 responder dies as a result of the disease; and

20 the law enforcement officer, firefighter, or emergency medical
21 responder's regular or assigned duties required the law enforcement
22 officer, firefighter, or emergency medical responder to interact, and the
23 law enforcement officer, firefighter, or emergency medical responder so
24 interacted, with the public or to directly supervise other personnel so
25 interacting with the public on any date after declaration of the public
26 health emergency and state of emergency and within 14 calendar days
27 prior to the appearance of symptoms that shall have been confirmed in
28 writing by a licensed health care provider.

29 The filing of an accident report with the Public Employees'
30 Retirement System shall not be required for an accidental death benefit
31 allowed pursuant to this section.

32 If an application of a beneficiary has been approved pursuant to a
33 provision other than this section or section 49 of P.L.1954, c.84
34 (C.43:15A-49) prior to the effective date of this act, P.L. , c. (pending
35 before the Legislature as this bill), a beneficiary may apply for a benefit
36 pursuant to this section and, if approved, the prior approval shall be
37 rescinded and the benefit pursuant to approval under this section shall
38 be made retroactive to the date of the rescinded initial approval.

39 This section shall also apply to a law enforcement officer,
40 firefighter, or emergency medical responder who was performing
41 regular or assigned duties but not yet enrolled in the Public Employees'
42 Retirement System who would otherwise be eligible for a benefit
43 pursuant to this section.

44 This section shall not apply to any member who has retired and
45 subsequently returned to employment pursuant to Executive Order No.
46 115 of 2020 or any other executive order similarly permitting a retired
47 member to return to employment without reenrollment to assist during
48 the public health emergency or state of emergency.

1 As used in this section, “law enforcement officer” includes, but shall
2 not be limited to, sheriff’s officers and corrections officers.

3
4 3. For purposes of subsection a. of section 14 of P.L.1965, c.89
5 (C.53:5A-14), a member whose death is attributable to COVID-19,
6 complications therefrom, or the aggravation or acceleration of a
7 preexisting condition caused thereby shall be deemed to have
8 occurred as the result of an accident met in the actual performance of
9 duty at some definite time and place if:

10 the member contracts COVID-19 during the public health
11 emergency declared by the Governor beginning March 9, 2020 pursuant
12 to Executive Order No. 103, Executive Order No. 119, and any other
13 executive order subsequently extending such emergency, and the state
14 of emergency declared by the Governor beginning March 9, 2020
15 pursuant to Executive Order No. 103;

16 the member dies as a result of the disease; and

17 the member’s regular or assigned duties required the member to
18 interact, and the member so interacted, with the public or to directly
19 supervise other personnel so interacting with the public on any date
20 after declaration of the public health emergency and state of
21 emergency and within 14 calendar days prior to the appearance of
22 symptoms that shall have been confirmed in writing by a licensed
23 health care provider.

24 The filing of an accident report with the State Police Retirement
25 System shall not be required for an accidental death benefit allowed
26 pursuant to this section.

27 If a benefit has been approved pursuant to a provision other than
28 this section or section 14 of P.L.1965, c.89 (C.53:5A-14) prior to the
29 effective date of this act, P.L. , c. (pending before the Legislature
30 as this bill), a beneficiary may apply for a benefit pursuant to this
31 section and, if approved, the prior approval shall be rescinded and the
32 benefit pursuant to approval under this section shall be made
33 retroactive to the date of the initial approval of the rescinded benefit.

34 This section shall also apply to a member who was performing
35 regular or assigned duties but not yet enrolled in the State Police
36 Retirement System who would otherwise be eligible for a benefit
37 pursuant to this section.

38 This section shall not apply to any member who has retired and
39 subsequently returned to employment pursuant to Executive Order
40 No. 115 of 2020 or any other executive order similarly permitting a
41 retired member to return to employment without reenrollment to
42 assist during the public health emergency or state of emergency.

43
44 4. This act shall take effect immediately and shall be retroactive
45 to March 9, 2020.

STATEMENT

This bill extends accidental death benefits to certain members of the Police and Firemen's Retirement System, the Public Employees' Retirement System, and the State Police Retirement System who die from coronavirus disease 2019, more commonly referred to as "COVID-19."

Upon the death of a law enforcement officer, firefighter, or emergency medical responder, eligible beneficiaries can obtain an accidental death benefit provided an accident occurred during the performance of duty at some definite time and place. This bill deems a death attributable to COVID-19, complications therefrom, or the aggravation or acceleration of a preexisting condition caused thereby as an accident that occurred in the actual performance of duty at some definite time and place provided the following conditions are met:

(1) the law enforcement officer, firefighter, or emergency medical responder contracts COVID-19 during the public health emergency declared by the Governor beginning March 9, 2020 pursuant to Executive Order No. 103, Executive Order No. 119, and any other executive order subsequently extending such emergency, and the state of emergency declared by the Governor beginning March 9, 2020 pursuant to Executive Order No. 103

(2) the law enforcement officer, firefighter, or emergency medical responder dies as a result of the disease; and

(3) the law enforcement officer, firefighter, or emergency medical responder's regular or assigned duties required him or her to interact, and he or she so interacted, with the public or to directly supervise other personnel so interacting with the public on any date after declaration of the public health emergency and state of emergency and within 14 calendar days prior to the appearance of symptoms that shall have been confirmed in writing by a licensed health care provider.

Law enforcement officers, firefighters, and emergency medical responders willingly place their lives at risk in order to ensure the safety of our communities each and every day. This is true now more than ever as many currently serve on the frontlines of the COVID-19 pandemic helping victims in need, containing the spread of the virus, and preventing future infections. Expanding these benefits is one way we acknowledge their heroism during the current health crisis and provide for their families in times of tragedy.